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URBAN
MUNICIPAL

BY-LAWS OF THE CITY OF
HAMILTON

03-121...03-143

Bill No.

THE CITY OF HAMILTON

BY-LAW NO. 03-121

To Confirm the Proceedings of City Council at its meeting held on May 14, 2003

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

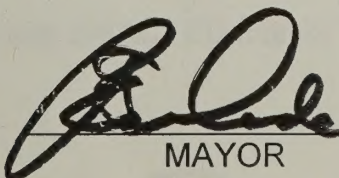
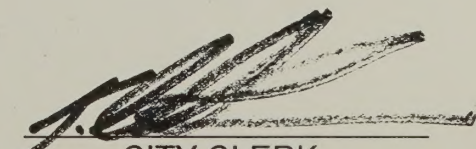
1. The Action of City Council at its meeting held on the 14th day of May, 2003 in respect of each recommendation contained in:

Report 03-013 of the Committee of the Whole,
Report 03-016 of the Hearings Sub-Committee,
Report 03-017 of the Hearings Sub-Committee,
Report 03-003 of the Grants Sub-Committee,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 14th day of May, 2003


MAYOR
CITY CLERK

Authority: Item 26, Committee of the Whole
Report 03-013 (PW03044)
CM: May 14, 2003

Bill No. 122

CITY OF HAMILTON

BY-LAW NO. 03- 122

To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

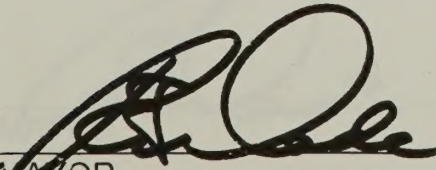
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

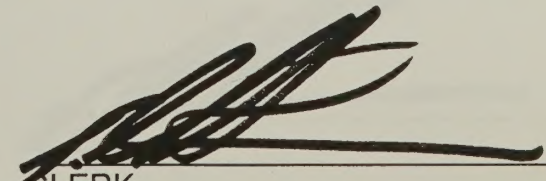
1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Graham Northbound and Southbound Dunsmure"
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 28th day of May, 2003



MAYOR



CLERK

Bill No. 123

CITY OF HAMILTON

BY-LAW NO. 03- 123

**To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

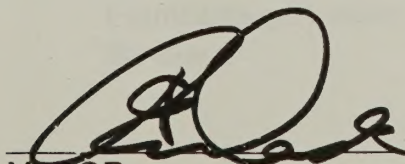
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

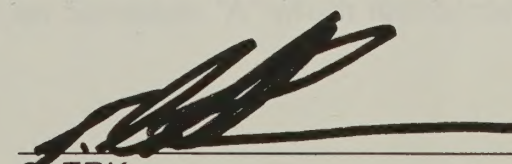
1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Gage Northbound and Southbound Beechwood"
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 28th day of May, 2003



MAYOR



CLERK



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Authority: Item 38, Committee of the Whole
Report 03-015a (PD03095)
CM: May 28, 2003

Bill No. 124

CITY OF HAMILTON

BY-LAW NO. 03-124

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended
Respecting Lands Located at Part of Lot 4, Concession 11 (East Flamborough)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Flamborough" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

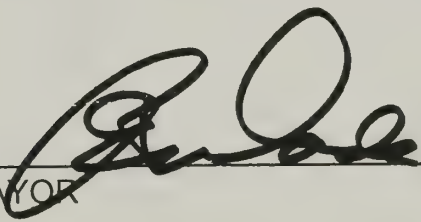
AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough).

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

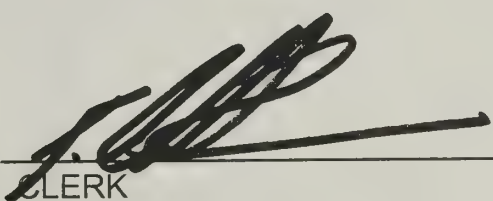
1. Schedule "A-2" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended by changing from the Residential Mobile Home Holding Zone "R9-1 (H)" to Residential Mobile Home Zone "R9-1" by removing the suffix "H" for those lands located on Part Lot 4, Concession 11 (formerly the Township of East Flamborough) more particularly shown on Schedule "A" which forms part of this By-law.

2. All other regulations of Section 14 – Residential Mobile Home Zone, “R9-1” Zone, as amended and the General Provisions of Zoning By-law 90-145-Z (Flamborough) shall continue to apply.
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

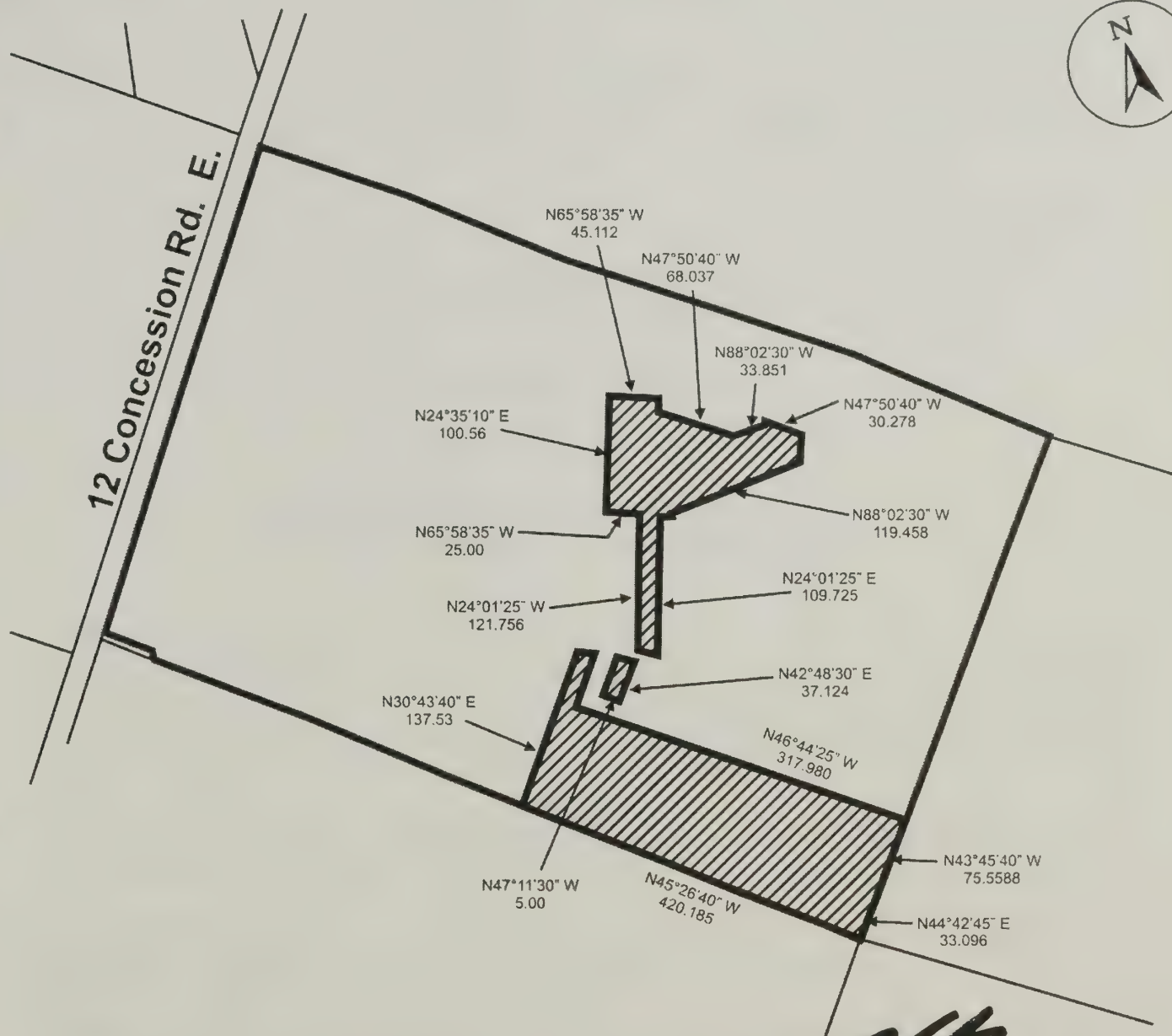
PASSED and ENACTED this 28th day of May, 2003.



MAYOR



CLERK



This is Schedule "A" to By-Law No. 03—124

Passed the 28th day of May, 2003

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03 124
to Amend By-Law No. 90-145-Z



Hamilton

Planning and Development Department

LEGEND

-  **Subject Property**
Part of Lot 4, Concession 11, (Flamborough)
-  **Lands to remove the Holding 'H' provision**
from the Residential Mobile Home "R9-1" Zone



Scale
NOT TO SCALE

Date
April 7, 2003

Reference File No.
ZAR-01-44

Drawn By
CL

Authority: Item 8, Committee of the Whole
Report 03-015 (PD03114)
CM: May 28, 2003

Bill No. 125

**THE CITY OF HAMILTON
BY-LAW NO. 03-125**

To Repeal and Replace:

By-law No. 01-264

**Being a By-law to Provide for the Fencing of
Privately-Owned Outdoor Swimming Pools**

WHEREAS Council deems it necessary to provide a single by-law to provide for the fencing of privately owned outdoor swimming pools, requiring permits be obtained for the design and construction of enclosures, so that owners of pools can reasonably prevent unauthorized or accidental entry to their pools, as well as recognizing pool fence permits previously granted under prior municipal by-laws;

AND WHEREAS Section 9 of the Municipal Act, S.O. 2001, Chapter 25, authorizes a municipality to pass by-laws concerning the issuance of permits and related matters;

AND WHEREAS Section 11 of the Municipal Act, S.O. 2001, Chapter 25, authorizes a municipality to pass by-laws to regulate structures including fences;

AND WHEREAS Sections 2, and 8 through 11 of the Municipal Act, S. O. 2001 Chapter 25, as amended, provide for the Council of a Municipality to pass by-laws for purposes which include the provision of services and things necessary and desirable for the municipality and fostering the current and future economic, social and environmental well-being of the municipality, and powers the municipality to regulate structures including fences, and provides for the issuance or permits and related matters;

AND WHEREAS By-law No. 01-264 was enacted by the City of Hamilton on November 13, 2001 and is sought to be repealed and replaced with this by-law containing various changes;

AND WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sched. C, did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the

Township of Glanbrook; The Corporation of the City of Hamilton; and The Corporation of the City of Stoney Creek; (hereinafter referred to collectively as the "former area municipalities" and individually as a "former area municipality");

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This By-law may be cited as "The Swimming Pool Enclosure By-law".

DEFINITIONS AND INTERPRETATION

2. (1) In this By-law,
 - (a) "**Chief Building Official**" means the **Chief Building Official** appointed by Council under Section 3 of the Building Code Act, S.O. 1992, Chapter 23, as amended, and includes the **Chief Building Official's** designate for the purposes of this by-law;
 - (b) "**effective ground level**" means the highest level of the ground within 1.0 m (3 ft 3 in) horizontally in any direction from the point being considered;
 - (c) "**privately-owned outdoor swimming pool**" means any privately-owned body of water located out of doors which is used or capable of being used for swimming and which is contained wholly or partly by artificial means, but does not include such a pool:
 - (i) which is incapable of holding water beyond a maximum depth of 300 mm (11¾ in), and beyond the volume of 4,550 litres (1000 gallons or 160.5 cubic feet);
 - (ii) which is owned by a public or governmental body, agency or authority;
 - (iii) which is designed and used solely for ornamental purposes;
 - (iv) which is a farm pond, which for the purposes of this by-law shall mean a pond which is maintained for agricultural or horticultural uses only; or
 - (v) naturally occurring streams, lakes, swamps or other natural bodies of water;
 - (d) "**property owner**" means the registered owner of a property or a tenant in possession of the property; and

- (e) **"swimming pool enclosure"** means a fence or wall or combination of a fence and wall, together with any included doors or gates completely surrounding a swimming pool.
- (2) Where this by-law provides both metric and imperial measurement for the same item, the imperial measurement is provided for convenience only and is approximate, and any abbreviation used for a unit of measurement in this by-law shall be as defined in section 1.1.4 of the Ontario Building Code, O. Reg. 403/97 as amended.

EXCAVATION AND FILLING OF POOLS

- 3.
 - (1) No person shall place water in a **privately-owned outdoor swimming pool** or cause or permit water to remain in the pool unless the **swimming pool enclosure** required by (2) is in place.
 - (2) The owner of a **privately-owned outdoor swimming pool** or **property owner** on whose property the pool is located shall erect and maintain in good repair a **swimming pool enclosure** for the pool in compliance with the requirements of this by-law.
- 4. No person shall excavate or erect, or cause or permit the excavation or erection of a **privately-owned outdoor swimming pool** until a permit has been issued under this by-law.

APPLICATION FOR PERMIT

- 5. A person proposing to erect or excavate a **privately-owned outdoor swimming pool** or the fencing or enclosure for such a pool shall first make and file an application for a permit for the **swimming pool enclosure**, including:
 - (a) A completed application for permit, together with plans for the enclosure showing fence and gate locations, grades and construction, which material shall be filed with the Building Department; and
 - (b) A fee of \$100.00 payable at the time of application.
- 6. The **Chief Building Official** may require that a permit applicant file better plans or further information as part of the application, as may be needed to determine compliance with this by-law, and in the event the application is incomplete, the fee is unpaid or the information requested is not supplied the application shall be denied.
- 7. It is a condition of the application and permit granted, that the **property owner** shall permit entry and inspection of the site of the pool and **swimming pool enclosure** at all reasonable times, to determine that the **swimming pool**

enclosure has been constructed in accordance with the approved plans and this by-law.

8. (1) Subject to (2), the **Chief Building Official** shall issue a permit for a **swimming pool enclosure** in compliance with the requirements of this by-law, unless the enclosure if erected would be contrary to a by-law of the municipality or the Building Code.
 - (2) The **Chief Building Official** may issue the permit under (1) with amendments to plans submitted with the application or by attaching or referring to further requirements, to bring the plans into compliance with the requirements of this by-law, which requirements are conditions of approval of the permit for construction of the **swimming pool enclosure**.
 - (3) Where the **Chief Building Official** cannot issue a permit under (1) the permit shall be denied.
9. The **property owner** is responsible for and shall construct or cause to be constructed a **swimming pool enclosure** in compliance with the plans approved by the **Chief Building Official**, and otherwise in compliance with this by-law in respect of details that may not be shown in the plans and specifications.

PREVIOUSLY PERMITTED SWIMMING POOL ENCLOSURES

10. (1) Subject to subsection 10.(2), where a **swimming pool enclosure** has been constructed under a permit approved by a former area municipality under a pool enclosure by-law previously in force in the former area municipality, or under a permit issued under this by-law prior to the enactment of any amendment to the by-law, and the enclosure is maintained in good repair, such enclosure is deemed to be in compliance with this by-law.
- (2) Where the previously permitted **swimming pool enclosure** in (1) is subsequently replaced, the replacement enclosure is instead subject to the requirements of this by-law, including the application for a permit, fee and the requirements and standards specified.

GENERAL REQUIREMENTS FOR ENCLOSURES

11. Enclosures required under this by-law in addition to the other standards and requirements contained in this by-law shall:
 - (a) have a minimum vertical height of 1.5 m (4 ft 11 in), measured from the **effective ground level** on the outside of the enclosure;

- (b) be located at least 1.0 m (3 ft 3 in) from any other fence or structure which would facilitate climbing over the **swimming pool enclosure** unless the height of the enclosure is increased to a height of at least 1.8 m (5 ft 11 in) for a distance of at least 1.0 m (3 ft 3 in) beyond such non-conforming fence or structure;
 - (c) have a gap no greater than 100 mm (4 in) between the bottom of the **swimming pool enclosure** and the finish grade;
 - (d) be located at least 600 mm (23 5/8 in) from the edge of the water in the swimming pool; and
 - (e) be composed of one of the following constructions, namely chain link fence, vertical board fence, wrought iron fence all as specified in this by-law, or such equivalent alternative as may be approved by the **Chief Building Official** under section 15 upon review of plans and specifications submitted in application for a permit under this by-law.
12. All above ground **privately-owned outdoor swimming pools** having a walkway higher than 600 mm (23 5/8 in) above the **effective ground level** shall have their walkways enclosed with an outer guard at least 900 mm (2 ft 11 in) in height measured from the walkway level. The required **swimming pool enclosure** may form part of the required guards.
13. A **swimming pool enclosure** shall not:
- (a) use or incorporate barbed wire, electrification, or other features designed to cause injury;
 - (b) enclose a utility meter, a furnace oil filler pipe or other utility reading device which requires periodic inspection or attendance by utility or service personnel;
 - (c) be composed of the walls of a building unless any openings which could provide a means of ingress directly into the swimming pool area are protected by a door, window or other covering and kept closed and locked at all times when such swimming pool is not under competent supervision; or
 - (d) except in the case of that part of a building or wall forming part of the enclosure, the enclosure shall not have attachments to the exterior face of the enclosure such as bracing, horizontal rails or other structures, except to the extent as may be permitted in section 15.

GATES

14. Gates that form a part of the **swimming pool enclosure** shall:

- (a) be self-closing and self-latching with the latching device at the top of the gate on the inside of the enclosure;
- (b) operate on hinges sufficient to support the gate either open and unlatched or closed and latched; and
- (c) be of such construction and height that they otherwise comply with the requirements of this by-law for the enclosure.

STANDARDS OF CONSTRUCTION

15. (1) Subject to subsection 15.(5) a fence of chain link construction shall:
- (a) have a mesh with openings not greater than 38 mm (1½ in);
 - (b) be constructed of wire not less than 12 gauge galvanized steel or if having a vinyl or other coating, not less than 14 gauge steel wire covered with a vinyl or other approved coating which would form a total thickness equivalent to 12 gauge galvanized steel wire;
 - (c) be supported by minimum 38 mm (1½ in) galvanized steel posts spaced not more than 2.5 m (8 ft 2 in) apart, at least 900 mm (2 ft 11 in) below grade, which posts are to be encased in concrete at least 50 mm (2 in) thick all around; and
 - (d) have top and bottom rails firmly fastened to the upright posts, made of minimum 32 mm (1¼ in) galvanized steel pipe, provided only that in place of the bottom rail there may be substituted a galvanized steel tension rod of minimum 9 gauge wire.
- (2) Subject to subsection 15.(5) a fence of wood construction shall:
- (a) have vertical boarding not less than 19 mm by 89 mm (1 in by 4 in) and shall have no openings on the exterior face with a dimension greater than 100 mm (4 in);
 - (b) be supported by posts at least 89 mm by 89 mm (4 in by 4 in) square, or 89 mm (4 in) in diameter, spaced not more than 2.5 m (8 ft 2 in) apart. Such posts shall extend at least 900 mm (2 ft 11 in) into the ground and that portion of the post below grade shall be treated with a wood preservative; and
 - (c) have top and bottom rails of at least 38 mm by 89 mm (2 in by 4 in), and spaced to provide a minimum clearance of 1.0 m (3 ft 3 in) between the rails.

- (3) Subject to subsection 15.(5) a fence of wrought iron construction or other similar material shall:
 - (a) be of sufficient strength to provide an effective enclosure;
 - (b) have no openings of a dimension greater than 100 mm (4 in) between vertical members;
 - (c) be supported by posts spaced not more than 2.5 m (8 ft 2 in) apart. Such posts shall extend at least 900 mm (2 ft 11 in) into the ground and are to be encased in concrete at least 50 mm (2 in) thick all around; and
 - (d) have top and bottom rails spaced so that a minimum clear space of 1.0 m (3 ft 3 in) is provided between the rails.
- (4) The **Chief Building Official** may approve plans for the construction of a **swimming pool enclosure** that is a fence, wall or other structure where it provides an equivalent enclosure to that specified in this by-law.
- (5) Notwithstanding the content of subsections 15.(1), (2) and (3) and section 13 above, no enclosure shall be so constructed or maintained as to facilitate climbing by persons.

PENALTY AND ENFORCEMENT

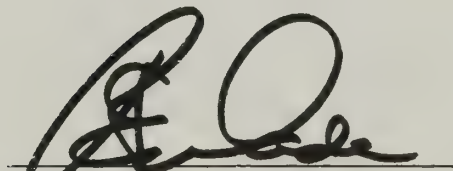
- 16. (1) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the penalties specified by Section 61 of the Provincial offences Act, R.S.O. 1990, Chapter P. 33.
- (2) Where the owner of the **privately-owned outdoor swimming pool** or **property owner** fails to erect or maintain a fence or gate around the swimming pool or places water in the pool, or causes, permits or allows the water to remain in the pool where a fence or gate is not erected or maintained, the **Chief Building Official** may immediately at the persons expense, direct an employee or agent to,
 - (a) erect or repair the **swimming pool enclosure**; or
 - (b) remove all water from the swimming pool until the required **swimming pool enclosure** is erected or maintained in accordance with this by-law.
- (3) The City of Hamilton may recover the expense incurred in doing the work described in (2) by action or by adding the costs to the tax roll and collecting the costs in the same manner as municipal taxes.

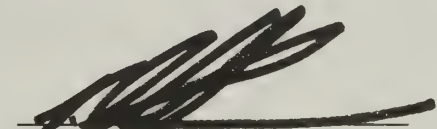
- (4) For the purposes of this by-law, persons who are employed or appointed as By-law Enforcement Officers by the City of Hamilton, or employed as Property Standards Officers or Building Inspectors for the City of Hamilton, and the **Chief Building Official** are all deemed appointed and entitled to enforce the provisions of this by-law.

REPEAL

17. By-law No. 01-264 of the City of Hamilton is hereby repealed.
18. This by-law shall come into force and effect on the date of enactment.

ENACTED AND PASSED this 28th day of May, 2003, A.D.



Mayor

City Clerk

Bill No. 126

CITY OF HAMILTON

BY-LAW NO. 03-126

**Being a By-law for Prohibiting
and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill,
and the Removal of Topsoil**

WHEREAS Council deems it necessary to enact a by-law for prohibiting or regulating the alteration of property grades within the City of Hamilton, to limit interference and damage to watercourses, drainage systems and water supplies, to limit unanticipated drainage and site alterations, to limit the use of improper fill, and to limit erosion arising from such changes;

AND WHEREAS Sections 142 through 144 of the Municipal Act, S. O. 2001 Chapter 25, as amended, provide for the Council of a Municipality to pass by-laws prohibiting or regulated the placing or dumping of fill, the removal of topsoil, the alteration of the grade of land, and requiring a permit for such site changes with or without conditions, and requiring restoration and rehabilitation of the site in the event of contravention of the by-law;

AND WHEREAS Sections 2, 8 through 11, and 97 of the Municipal Act, S. O. 2001 Chapter 25, as amended, provide for the Council of a Municipality to pass by-laws for purposes which include the provision of services and things necessary and desirable for the municipality and fostering the current and future economic, social and environmental well-being of the municipality, and powers which include the authority to regulate, prohibit and impose requirements on persons, and to differentiate between persons, and specifically to enact by-laws dealing with drainage and flood control and the inspection, testing and sampling of land drainage systems;

AND WHEREAS Council considers that reasonable notice of the by-law has been given, pursuant to section 251 of the Municipal Act, S. O. 2001, c. 25 as amended;

AND WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sched. C, did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and The Corporation of the City of Stoney Creek; (hereinafter referred to collectively as the "former area municipalities" and individually as a "former area municipality");

AND WHEREAS the City of Hamilton Act, 1999, provides that the By-laws of the former municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

NOW, THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "Site Alteration By-law".

DEFINITIONS AND INTERPRETATION

2. In this By-law,
 - (a) **"Aggregate Resources Act"** means the Aggregate Resources Act, R. S. O. 1990, c. A.8;
 - (b) **"Council"** means the **Council** of the City of Hamilton;
 - (c) **"construction site control measures"** means controls on construction imposed by the **Director** under this by-law;
 - (d) **"Director"** means the **Director** of Building and Licensing of the City of Hamilton or his/her designate(s);
 - (e) **"drainage"** means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by artificial means;
 - (f) **"dump", "dumped" and "dumping"** mean the depositing of **fill** in a location other than where the **fill** was obtained, or the movement and depositing of **fill** from one location on a property to another location on the same property;
 - (g) **"erosion"** means the wearing or washing away of **soil**, sediment or rock fragments by water, wind, ice or gravity;

- (h) “**fill**” means any type of material capable of being removed from or deposited on lands;
- (i) “**grade**” means the elevation of the ground surface and shall be more particularly defined as follows:
 - (i) “**existing grade**” means the elevation of the existing ground surface of the lands upon which **dumping, placing** of **fill**, altering the **grade**, or removing of **topsoil** is proposed, except that where such activity has occurred in contravention of this by-law, **existing grade** shall mean the ground surface of such lands as it existed prior to the said activity;
 - (ii) “**finished grade**” means the approved elevation of the ground surface of lands after **fill** has been **placed** or **dumped**, the **grade** altered or **topsoil** removed, in accordance with this by-law;
 - (iii) “**proposed grade**” means the proposed elevation of the ground surface of land upon which **fill** is proposed to be **placed** or **dumped**, the **grades** altered or **topsoil** removed;
- (j) “**Inspector**” means any person designated by this or any other by-law of the City of Hamilton as an **Inspector** for the purposes of this by-law, and includes such **Inspectors** as are so designated pursuant to Schedule “C” to this by-law;
- (k) “**owner**” means the registered owner of the land;
- (l) “**Permit**” means a **site** alteration **Permit** issued pursuant to this by-law;
- (m) “**placing**” and “**place**” mean the distribution of **fill** on lands to establish a **finished grade** higher than the **existing grade**;
- (n) “**Planning Act**” means the **Planning Act**, R.S.O. 1990, c. P.13;
- (o) “**ponding**” means the accumulation of surface water in an area not having adequate **drainage** where the lack of **drainage** is caused by the **placing** or **dumping** of **fill**, or altering of **grade**;
- (p) “**retaining wall**” means a wall designed to contain and support **fill** which has a **finished grade** higher than that of adjacent lands;
- (q) “**site**” means the parcel of land under one ownership, which is the subject of an application for a **Permit** pursuant to this by-law;
- (r) “**site siltation control measures**” means siltation control measures imposed by the **Director** under this by-law;
- (s) “**soil**” means material commonly known as clay, earth, gravel, loam, sand, subsoil or **topsoil**;

- (t) “**topsoil**” means those horizons in a **soil** profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat; and
- (u) “**watercourse**” means an identifiable depression in the ground in which a natural flow of water occasionally, regularly or continuously occurs.

PLACING DUMPING AND ALTERING GRADE

- 3.1 No person shall **place** or **dump fill** or remove **fill** from land, or cause or permit the **placing** or **dumping** of **fill** or removal of **fill** on any lands in the City of Hamilton, including any lands which are submerged under any **watercourse** or other body of water, without having first obtained a **permit** issued by the **Director**, unless this by-law states it does not apply or that such a **permit** is not required.
- 3.2 No person shall alter or cause or permit the alteration of the **grade**, on any lands in the City of Hamilton, including any lands which are submerged under any **watercourse** or other body of water, without having first obtained a **permit** issued by the **Director**, unless this by-law states it does not apply or that such a **permit** is not required.
- 3.3 Subsections 3.1 and 3.2 do not apply where the quantity of **fill** or **topsoil** removed or **dumped** on any one lot does not, in any consecutive three month period exceed 8 cubic meters for each 0.125 hectares of lot area or part thereof, provided the following requirements are met:
 - (a) the placement or removal of **fill** does not or will not alter the **grade** of any part of the lot at any location by more than .5 meters;
 - (b) the placement or removal of **fill** does not alter the **grade** of the lot within 3 meters of the property line by more than 0.2 meters;
 - (c) the placement or removal of **fill** does not obstruct the flow of water in a **watercourse**;
 - (d) the placement or removal of **fill** does not cause water normally contained on the lot to drain off **site**; and
 - (e) all **fill placed** or **dumped** includes only soil, stone, sod or other material acceptable to the Director and that such material is clean and free of any glass, plastics, rubber, metals, termites, liquid other than water, garbage or contaminants.

EXEMPTIONS

3.4 This by-law does not apply to,

- (a) the **placing** or **dumping** of **fill**, removal of **topsoil** or alteration of the **grade** of land imposed after December 31, 2002 as a condition to the approval of a **site** plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively of the **Planning Act** or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (b) the **placing** or **dumping** of **fill**, removal of **topsoil** or alteration of the **grade** of land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the **Planning Act** or as a requirement of an agreement entered into under that regulation;
- (c) the **placing** or **dumping** of **fill**, removal of **topsoil** or alteration of the **grade** of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the Electricity Act, S. O. 1998, c. 15 as amended, for the purpose of constructing and maintaining a transmission system or a distribution system as those terms are defined in that section;
- (d) the **placing** or **dumping** of **fill**, removal of **topsoil** or alteration of the **grade** of land undertaken on land described in a licence for a pit or quarry or a **permit** for a wayside pit or wayside quarry issued under the **Aggregate Resources Act**;
- (e) the **placing** or **dumping** of **fill**, removal of **topsoil** or alteration of the **grade** of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (i) that has not been designated under the **Aggregate Resources Act** or a predecessor of that Act; and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the **Planning Act**.
- (f) the **placing** or **dumping** of **fill**, removal of **topsoil** or alteration of the **grade** of land undertaken as an incidental part of drain construction under the Drainage Act, R. S. O. 1990, c. D.17 or the Tile Drainage Act, R. S. O. 1990, c. T.8; or
- (g) activities or matters undertaken by a municipality or by a local board of a municipality on lands owned by the municipality or local board.

EXCEPTIONS

- 3.5 Subject to subsection 3.6, this by-law does not apply to the removal of **topsoil** as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products.

EXCLUSION

- 3.6 For greater certainty the exception in subsection 3.5 above respecting the removal of **topsoil** as an incidental part of a normal agricultural practice does not include the removal of **topsoil** for sale, exchange or other such disposition.

BY-LAW CEASES TO HAVE EFFECT

- 3.7 If a regulation is made under section 28 of the Conservation Authorities Act, R.S.O. 1990, c.27 respecting the **placing** or **dumping** of **fill** or **topsoil** or the alteration of the **grade** of land in any area of the municipality, this by-law is of no effect in respect of that area provided relevant approvals have been obtained and submitted to the **Director**.

FURTHER EXCEPTIONS

Building Permit Obtained

- 3.8 A **permit** under this by-law is not required where the **placing**, **dumping** or removal of **fill** or **topsoil**, or the alteration of **grade** is in conjunction with the construction of a building or structure for which a building **permit** has been issued by the Chief Building Official and the accompanying building **permit** application provides sufficient information to determine that the **placing** or **dumping** of **fill** conforms with this by-law.

Acceptance of Fill on Private Property from Municipal Operations

- 3.9 A **permit** is not required under this by-law where the **placing** of **fill** is carried out on private property by the City or a local board as defined in the Municipal Affairs Act, R.S.O. 1990, c. M.46 as amended, or any successor legislation thereto in compliance with section 3.10 below.
- 3.10 The owner or applicant shall submit to the **Director**, an original signed copy of Schedule "D" to this by-law bearing the signatures of the owner(s) and

applicant(s), and indicating the City's Drainage Superintendent's approval and signature, prior to **dumping of fill** on private property.

Common Statutory Authorizations

- 3.11 A **permit** under this by-law is not required where the **placing, dumping** or removal of **fill** or **topsoil** or the alteration of **grade** is carried out as an incidental part of construction or operations authorized by:
- (a) the Mining Act, R.S.O. 1990, c. M.14 as amended, or any successor legislation thereto;
 - (b) the Ontario Energy Board Act, S.O. 1998, c. 15, Schedule B, or any successor legislation thereto;
 - (c) a Crown agency as defined in the Crown Agency Act, R.S.O. 1990, c. C.48 as amended, or any successor legislation thereto, or by Ontario Hydro; or
 - (d) Section 26 of the Public Transportation and Highway Improvement Act, 1990, c. P.50 as amended.

Waste Management

- 3.12 A **permit** is not required under this by-law where the **placing, dumping** or removal of **fill** or **topsoil** or alteration of **grade** is permitted as part of the use, operation, or construction of a waste management system or waste disposal **site** authorized or approved under Part V of the Environmental Protection Act, R.S.O. 1990, c. E.19 or its regulations, as amended.

Underground Services or Utilities

- 3.13 A **permit** is not required under this by-law where the **placing, dumping** or removal of **fill** or **topsoil** or alteration of **grade** is an incidental part of any construction of any form of underground services where the **topsoil** is removed and held for subsequent replacement.

Commercial Storage Permitted Under Zoning

- 3.14 A **permit** is not required under this by-law where the **placing, dumping** or removal of **fill** or **topsoil** or alteration of **grade** is part of the stockpiling and use of **fill**, loam or **topsoil** for commercial landscaping purposes where such use is in conformance with the applicable zoning and land use by-laws.

Limited Exceptions for Planning and Development

- 3.15 This by-law does not apply to the extent that it would prevent the construction of any building, structure, driveway, loading or parking facilities permitted or required on a lot pursuant to:
- (a) a by-law passed by a municipality pursuant to Section 34 of the **Planning Act**;
 - (b) an order made by the Minister of Municipal Affairs pursuant to Section 47 of the **Planning Act**; or
 - (c) a development permit issued under the Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2 as amended, or any successor legislation thereto, or an exemption granted pursuant to the said Act.

PERMITS AND PLANS

- 4.1 The process for considering an application for a **permit**, shall include prior notice by the applicant and City in the manner provided for in this section.
- 4.2 The applicant shall prepare a notice of the application, in the form and content required by the **Director**, and the applicant shall post the notice on such suitable frontages to the property as determined by the **Director**, at the applicant's expense and in a manner so that the notice is visible to passersby for a period of not less than 14 days prior to the date on which the **Director** indicates is the date of consideration of the application.
- 4.3 The **Director** shall so far as practical cause notice of the application and date the application will be considered to be mailed to adjacent property owners within 600 meters of the subject property, unless the **Director** determines that such notice is unnecessary.
5. A person applying for a **Permit** shall submit the following to the **Director**:
- (a) a completed application, in writing, on forms prescribed by and available from the **Director**;
 - (b) consent of the **owner** of the subject lands;
 - (c) the prescribed fee for a **permit** as established from time to time by **Council** and detailed in Schedule "A" to this by-law;

- (d) a control plan, the requirements of which are set out in Section 6 of this by-law;
- (e) a plan showing the design details to proper scale of any **retaining wall** that the applicant proposes or that may be required by the **Director** including the dimensions thereof and any materials to be used in construction of any such **retaining wall**; and
- (f) security in an amount determined by the **Director** under this by-law, and the execution of a security agreement by the applicant and the registered **owner** of the **site** in a form determined by the **Director** in accordance with Schedule "E" of this by-law, to ensure proper rehabilitation, prevent fouling or tracking of earth, mud, or debris on highways of the City, and to secure performance of the applicant's and owner's obligations under this by-law and any **permit** that is issued, including as may be needed returning the **site** to its original condition so far as possible, carrying out the work under the **permit**, and complying with other provisions of this by-law including rehabilitation of the **site**.

CONTROL PLANS

6. A control plan required under this by-law shall include the following:
- (a) the stamp and certification of a Professional Engineer licensed to practice in the Province of Ontario, or any other qualified person approved by the **Director**;
 - (b) a key map showing the location of the **site**, and including a minimum of 30 meters beyond the **site**;
 - (c) the number of hectares of the **site** and depict the **site** boundaries;
 - (d) specifics on the use of the **site**, and the location and use of the buildings and other structures adjacent and within 30 meters of the **site** if the use is known;
 - (e) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the **site**;
 - (f) the location of lakes, streams, wetlands, channels, ditches, other **watercourses** and other bodies of water on the **site** and within 30 metres beyond the **site** boundary;
 - (g) the limits of flood plain and Conservation Authority **Fill** Regulation lines and the applicable Conservation Authority setbacks from these lines both on the **site** and within 15 metres of the boundaries of the **site**;
 - (h) the location of the predominant **soil** types;

- (i) the species, diameter and location of all trees with a caliper measuring 150 mm or greater at breast height, all other vegetation is to be identified in masses showing the outline of canopy created by the massing in the areas of disturbance on the **site**;
- (j) all easements and right(s)-of-way over, under, across or through the **site**;
- (k) the location and dimensions of any existing or proposed storm water **drainage** systems and natural **drainage** patterns on the **site** and within 30 metres of the **site** boundaries;
- (l) the locations and dimensions of utilities, structures, roads, highways and paving both on the **site** and at a minimum of 30 meters from the **site**, including the location, size and invert elevations of all existing **drainage** pipes, culverts and inlet chambers;
- (m) the existing **site** topography at a contour interval not to exceed 1 metre and to extend a minimum of 30 metres beyond the **site** boundaries;
- (n) the proposed **grade** and **drainage** system to be used upon completion of the work which is the subject of the **Permit**, including the information on proposed pipes, culverts and inlet chambers under clause (k) above;
- (o) the location and dimensions of all proposed work which is the subject of the application for a **Permit**;
- (p) the approximate location and dimensions of all proposed temporary **topsoil** or **fill** stockpiles;
- (q) the location, dimensions, design details and specifications of all work which is the subject of the application including all **site** siltation control measures or **retaining walls** necessary to meet the requirements of this by-law and the estimated cost of same;
- (r) a schedule of the anticipated starting and completion dates of all proposed work which is the subject of the application for a **Permit** including the installation of construction **site** control measures needed to meet the requirements of this by-law;
- (s) provisions for the maintenance of the construction **site** control measures during construction;
- (t) a description of the proposed **fill** material including its location of origin;
- (u) the scale of the drawing; and,

(v) any other information with respect to the **site** required by the **Director**.

7. Notwithstanding any other provisions of this by-law, the **Director** may waive the requirement for a Control Plan or waive any part of the requirement for the content of the control plan, where the requirement is unnecessary considering the limited extent of the proposed works impact on the **site** and the surrounding environment.

SECURITY

8. The **Director** may, prior to the issuance of a **Permit** under this by-law, require the applicant and registered **owner** of the **site** to provide security in a specified form and to require the entering into of an agreement, in the form acceptable to the **Director** in accordance with Schedule "E" of this by-law, with the City to provide security for an applicant's and owner's obligations under this by-law and any **Permit** issued. The agreement may include such requirements as the **Director** considers necessary to ensure that the work is completed in accordance with good engineering standards and practice, the terms and conditions of this by-law and **Permit**, and may be registered on title, which agreement and related documents the **Director** is hereby authorized to execute on behalf of the City.

ISSUANCE OF A PERMIT

- 9.1 A **permit** shall be issued where the **Director** is satisfied:

- (a) that the applicant has complied with or will comply with all requirements of this by-law;
- (b) that the proposed **grade** and resulting **drainage** pattern, the proposed design of any **retaining wall**, the type of **fill** proposed to be used, if any, and the proposed method of the **placing** and **dumping** of **fill** or **topsoil**, or altering of the **grade** are all in accordance with good engineering standards and practice;
- (c) that any fill proposed to be **placed** or **dumped** includes only soil, stone, sod or other material acceptable to the Director and that such material is clean and free of any glass, plastics, rubber, metals, termites, liquid other than water, garbage or contaminants;
- (d) that the proposed **placing** or **dumping** of **fill**, altering of the **grade** or removing or **placing** of **topsoil** will not result in:
 - (i) **erosion**;
 - (ii) blockage, siltation or contamination of a **watercourse**;
 - (iii) flooding or **ponding**;
 - (iv) a detrimental effect on any trees located on the lands or adjacent lands having a breast height diameter of 150 millimeters or more;

- (v) an undue detrimental effect on the natural environment, including but not restricted to lands designated as Environmentally Significant Areas by the City's Official Plans, Lake Ontario Shoreline, Hamilton Harbour Shoreline, Niagara Escarpment and Areas of Natural or Scientific Interest as identified by the Ministry of Natural Resources;
 - (vi) the **placing** or **dumping** of **fill** or **topsoil**, or the alteration of **grade** of the land in or within 120 metres of a Provincially Significant Wetland identified by the Ministry of Natural Resources, or
 - (vii) unsafe conditions for the abutting lands;
- (e) that the **site** will be rehabilitated, including replanting, to a condition which is substantially similar to or improved from the condition of the **site** prior to the undertaking of the work which is the subject of the **Permit**, immediately upon completion of grading or construction;
 - (f) that the applicant, if required by the **Director**, has entered into an agreement as referred to in Section 8 of this by-law and has agreed to perform all of the required obligations under the agreement prior to the issuance of the **Permit**; and
 - (g) that the work proposed under the **permit** does not involve contravention of the Environmental Protection Act, R.S.O. 1990, c. E.19, the Ontario Heritage Act, R. S. O. 1990 c. O.18, zoning or land use by-laws, the Building Code Act, S. O. 1992 c. 23, the Planning Act, R.S.O. 1990, c. P.13, Municipal Act, S. O. 2001, c. 25, the Drainage Act, R.S.O. 1990 c. D.17, and the Federal Fisheries Act, R.S.C. 1985, c. F-14 and where such acts or by-laws require approval such approval is obtained and proof submitted or will be obtained and submitted before the work under the **permit** is carried out.

9.2 **Permits** shall be subject to the terms and conditions set out in Schedule "B", attached to and forming a part of this by-law, unless exempted in writing by the **Director**.

9.3 The **Director** may impose additional terms and conditions upon the issuance of a **Permit**:

- (a) to deal with particular grading or **drainage** concerns for the work proposed, for the purpose of limiting negative effects or potential harm to proper **drainage** and other property;
- (b) to require proof of testing of **fill** or **soil** to ensure the materials **dumped**, **placed** or used to alter **grade** are free of contaminants;

- (c) to require temporary **construction site control measures** to limit **drainage** and **erosion** during a period of construction or the period of a **permit** issued under this by-law; and
 - (d) to require temporary **site siltation control measures** to control **drainage** and **erosion** and ensure **soil** stabilization until the work under the **permit** is complete or until permanent **erosion** control measures have been supplied.
- 9.4 The **Director** may require, as a condition of any **permit** issued pursuant to this by-law, that a **retaining wall** be constructed where:
- (a) **erosion** on abutting lands may occur as a result of the work which is the subject of the **Permit**; or
 - (b) the **finished grade** of the **site** is of a higher elevation at a property line than that of the **existing grade** at the same property line of abutting lands.
- 9.5 Where a **permit** has been issued, no person shall undertake any **dumping, placing** or removal of **fill** or alteration of **grade** except in accordance with the **permit**, and in particular in accordance with the plans, documents or other information submitted to the City upon which basis the **permit** was issued, and in accordance with all applicable terms and conditions.
- 9.6 Where an **owner** makes a material change to a plan, specification, document or other information following the issuance of a **permit**, the **Director** may require payment of one-half of the original **permit** fee and submission of revised drawings, which shall be approved by the **Director** prior to any **dumping, placing** or removal of **fill** or alteration of **grade**.
10. Notwithstanding the issuance of a **permit**, an applicant or **owner** shall comply with this by-law. Where non-compliance with this by-law is discovered following issuance of a **permit**, the **Director** may revoke it, and the **permit** holder shall forthwith cease all work, which was the subject of the revoked **permit**.
11. Where a **permit** has been issued, an applicant or authorized agent shall request the **Director** to make inspections at the commencement and completion of the work, and shall request such further inspections as may be required by the **Director** or the conditions of the **permit**.
- 12.1 Subject to subsection 12.2, a **permit** shall be valid for a period of 1 year from the date of issuance.
- 12.2 Notwithstanding subsection 12.1 above, a **permit** shall expire at an earlier date in the following circumstances and events:
- (a) a **permit** shall expire 180 days after the date of issuance if in the opinion of the **Director** the **site** alterations have not been commenced; and

- (b) a **Permit** shall expire upon the transfer of ownership of the **site** unless the new **owner** provides written commitment to comply with all conditions under which the **permit** was issued, prior to transfer of the **site**, including in particular, compliance with this by-law, and to provide security in a form and amount acceptable to the **Director**, at which time any security previously provided by the original **permit** holder pursuant to this by-law shall be released.
13. An expired **permit** may be renewed once, for a period not longer than one year, within a 6 month period from the expiry date, upon the applicant making a written request to the **Director** accompanied by the payment of one-half of the original **permit** fee.
14. A **permit** is non-transferable to another **site**.
15. In addition to the other requirements of this by-law, no person shall remove, **place** or **dump**, or cause or permit the removal, **placing** or **dumping** of **fill** on, or alter or cause or permit the altering of the **grade** of any lands in the City of Hamilton, including any lands which are submerged under any **watercourse** or other body of water, unless:
- (a) it is done at the request of or with the consent of the **owner** of the **site** where the **fill** or **soil** is to be removed, **placed** or **dumped**, or the **grade** altered;
- (b) all **fill placed** or **dumped** includes only soil, stone, sod or other material acceptable to the Director and such material is free of any glass, plastics, rubber, metals, termites, liquid other than water, garbage or contaminants;
- (c) the **drainage** system for the **site** is provided in accordance with this by-law and any **Permit** issued pursuant thereto and as otherwise required by law, in accordance with good engineering standards and practice and in such a condition that it will not result in **erosion**, blockage, siltation or contamination of a **watercourse**, flooding or **ponding**; and
- (d) the **fill** or **soil** is removed, **placed** or **dumped**, any **retaining wall** containing such **fill** or **soil** is erected, or the **grade** is altered in such a manner that no flooding, **ponding**, or other adverse effects are caused on other lands.
16. Every person to whom a **Permit** is issued shall:
- (a) provide a **retaining wall**, where required by the **Director**, which does not encroach upon abutting lands either above or below **existing grade**,

and such **retaining wall** shall be constructed to the satisfaction of the **Director**;

- (b) ensure that the **finished grade** surface is protected by sod, turf, seeding for grass, vegetation, asphalt, concrete or other similar means, or a combination thereof;
- (c) ensure that **fill** shall not be **placed** or **dumped** around the perimeter of any existing building to an elevation higher than 150 millimeters below the top of the foundation wall of such building unless the building and its foundation are constructed in a manner which will prevent water penetration into the building and unless such building and its foundation are designed to withstand the lateral loads that the additional **fill** may impose on the structure;
- (d) Ensure that **fill, placed** or **dumped** around the perimeter of any existing building is sloped away from the building so as to cause water to drain away from such building;
- (e) ensure that no trench, in which piping forming part of the **drainage** system is laid, shall be covered and backfilled until the work has been inspected and approved by the **Director** or an **Inspector**;
- (f) provide and maintain such protection for trees as may be required by the **Director**;
- (g) provide and maintain siltation control measures as may be required by the **Director**;
- (h) ensure that the work which is the subject of the **Permit** does not contaminate or otherwise foul any municipal roads and in the event that this occurs, ensure that any immediate safety hazard is removed or brought to the attention of the City and all road users and that the road or roads affected are cleaned to the satisfaction of the **Director** within 24 hours of any request by the **Director** for such cleaning;
- (i) permit entry by the **Director, Inspectors** and agents of the **Director, Inspector** or City to carry out reasonable inspections or to carry out work provided for under this by-law or for an inspection under an order issued by the Court under section 144 of the Municipal Act, S. O. 2001, c. 25 as amended, but this does not include the requirement to permit entry to any building;
- (j) ensure that all **fill** placed or dumped includes only soil, stone, sod or other material acceptable to the Director and such material is clean and free of any glass, plastics, rubber, metals, termites, liquid other than water, garbage or contaminants;
- (k) provide documentation showing the origin of all fill that is placed or dumped if not disclosed in the control plan submission; and

- (l) ensure that all conditions of the **Permit** and any requirements of this by-law are fulfilled to the satisfaction of the **Director**.

ENFORCEMENT

- 17.1 The administration and enforcement of this by-law shall be performed by the **Director** and those persons designated as **Inspectors** under Schedule "C" to this by-law or as may be designated for the purposes of this by-law under other by-laws of the City.
- 17.2 No person shall hinder or obstruct, or attempt to hinder or obstruct any person exercising a power or performing a duty under this by-law or under the Municipal Act provisions relevant to this by-law.
- 18.1 Order to Discontinue Activity: Where an **Inspector** or the **Director** is satisfied that a contravention of this by-law has occurred, the **Inspector** or **Director** may make an order requiring the **owner** of the land or the person who caused or permitted the **placing** or **dumping** of **fill**, removal of **topsoil** or alteration of the **grade** of land in contravention of the by-law to discontinue the activity, and the order shall set out:
 - (a) the municipal address or the legal description of the land; and
 - (b) reasonable particulars of the contravention and the period within which there must be compliance.
- 18.2 Service of Order to Discontinue: An order made under subsection 18.1 may be served personally or by prepaid ordinary mail to the **owner's** or persons last know address, and in the event such service is not possible, may be given by posting a placard on the property in the manner provided for in subsection 18.5, and Council deems such service to be sufficient, and in the case of service by mail, deemed sufficient seven days from the date such notice was mailed.
- 18.3 Work Order: Where an **Inspector** or the **Director** is satisfied that a contravention of the by-law has occurred, the **Inspector** or the **Director** may make an order requiring work to be done to correct the contravention, and the order shall set out:
 - (a) the municipal address or the legal description of the land;
 - (b) reasonable particulars of the contravention and the work to be done and the period within which there must be compliance with the order; and
 - (c) a notice stating that if the work is not done in compliance with the order within the period it specifies, the City may have the work done at the expense of the **owner**.
- 18.4 Service of Work Order: Before the City or its agents enters on land to do the work specified in subsection 18.3, the order shall be served on the **owner** of

the land personally or by prepaid registered mail to the last known address of the **owner** of the land.

- 18.5 **Placard**: If the City is unable to effect service on the **owner** under subsection 18.4, it may **place** a placard containing the terms of the order in a conspicuous **place** on the land and may enter the land for this purpose, which shall be deemed to be sufficient service of the order.
19. If the **owner** fails to do work required under this by-law, after the City has served an order requiring compliance and the time for compliance provided has expired, in addition to any other action the City may take or other remedy it may have the City may at any reasonable time and at the **owner's** expense, in the manner provided for in the Municipal Act, 2001, S.O. 2001, c. 25 including interest at the rate specified there, and using any security supplied, may carry out repairs on the property as follows:
- (a) where the City holds security to carry out the repairs, the City may carry out such repairs as are necessary to bring the property into compliance up to the amount of the security held;
 - (b) where the City does not hold security or the amount of the security under (a) is insufficient to complete the repairs, the City may carry out such repairs as are necessary to bring the property into compliance with the cost, subject to (c), not to exceed \$5000 excluding interest accrued; and
 - (c) where the costs of bringing the property into compliance exceeds the amounts authorized by (a) or (b), the City may carry out such repairs to an amount or manner as may be approved by Council.
20. Upon application for and issuance of a **Permit**, the property **owner** shall **permit** entry and inspection of the **site** at all reasonable times, to take **fill** samples for the purpose of determining whether material used for **fill**, includes only **soil**, stone, sod or other material acceptable to the Director and such material is clean and free of any glass, plastics, rubber, metals, termites, liquid, garbage or contaminants. For purposes of an inspection under this section the **Director** may:
- (a) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection;
 - (b) order the **owner** of the property to take and supply at the **owner's** expense such tests and samples as are specified in the order; and
 - (c) require the **owner** to provide mandatory third party testing of **fill** material, where the amount of **fill** to be **dumped** exceeds 100 cubic metres.

21. Costs incurred by the City under section 19 of this by-law may be registered as a lien on the land upon the registration in the proper land registry office of a notice of lien.
- 22.1 A **Permit** shall be revoked where it is discovered that it was issued as a result of misleading or false information supplied by the applicant or **owner**, or where it has been issued in error
- 22.2 Where a **permit** has been revoked under this subsection or for any other reason under this by-law, the **Permit** holder shall forthwith cease all work under the revoked **Permit**.

PENALTY

- 23.1 Subject to subsection 23.2 below, every person who contravenes a provision of this by-law or an order issued under any subsection of section 18 of this by-law to discontinue activity or to carry out work is guilty of an offence, and upon conviction is liable:
 - (a) On a first conviction, to a fine of not more than \$10,000; and
 - (b) On any subsequent conviction, to a fine of not more than \$25,000.
- 23.2 Where the person convicted under this by-law is a corporation, the maximum fines in clauses 23.1(a) and (b) are \$50,000 and \$100,000, respectively.

SEVERABILITY

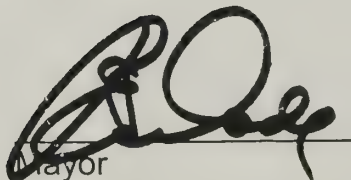
24. Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of **Council** that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

REPEAL AND ENACTMENT

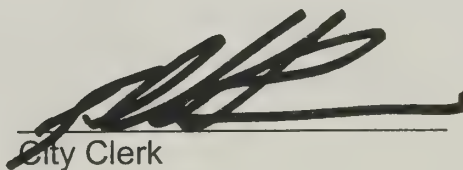
25. The following By-laws, all as may be amended, of the named "former area municipalities" are hereby repealed:
 - (a) By-law No. 99-119-D (Flamborough);
 - (b) By-law Nos. 471-92 and 471-1-94 (Glanbrook);
 - (c) By-law No. 4409-96 (Stoney Creek);
 - (d) By-law No. 4492-99 (Dundas); and
 - (e) By-law No. 02-052 (Amending By-law).

26. This by-law comes into force and effect upon the date of enactment.

ENACTED and PASSED this 28th day of May, A.D. 2003



Mayor



City Clerk

FEES AND REQUIREMENTS FOR SITE ALTERATION PERMITS

- 1.1 The processing, administration and inspection fee for a **site** alteration **Permit** shall be \$200.00 for a property of less than 2 hectares in area and not used for commercial or industrial purposes; and \$500.00 for a property of 2 hectares in area or greater, plus \$25.00 per hectare of **fill** area.
- 1.2 Where an agreement is required by the **Director** pursuant to Section 8 of this By-law, and is required to be registered on title, it is the responsibility of the **owner** to register the agreement on title prior to the issuance of the **permit** and the **owner** or applicant shall be responsible for all costs of such registration or eventual discharge of the agreement from title to the lands.

SCHEDULE "B" TO BY-LAW No. 03-126

1. All **permit** holders shall:

- (a) notify the Building and Licensing Division in writing within 48 hours of commencing any land disturbance;
- (b) notify the Building and Licensing Division in writing of the completion of any construction site control measures within 14 days after their installation(s);
- (c) obtain permission in writing from the **Director** prior to modifying the Control Plan;
- (d) install all construction site control measures as identified in the approved Control Plan;
- (e) maintain all road **drainage** systems, storm water **drainage** systems, construction site control measures and other facilities identified in the Control Plan;
- (f) repair any siltation or **erosion** damage to adjoining surfaces and drainageways resulting from grading changes, or the **dumping, placement** or removal of **fill**;
- (g) inspect the construction site control measures at least once per week and after each rainfall of at least 10 millimeters and make needed repairs;
- (h) allow employees or agents of the City to enter the **site** for the purpose of inspecting for compliance with the Control Plan and **Permit**, or for performing any work necessary to bring the **site** into compliance with the Control Plan or by-law;
- (i) maintain a copy of the Control Plan on the **site**;
- (j) Ensure compliance with all applicable terms of sections 15 and 16 of this by-law; and
- (k) Ensure compliance with all other applicable laws, regulations, by-laws of any sort, and obtain all other necessary approvals or **permits** needed for the activities carried out. The issuance of a **permit** under this by-law is not permission to breach a law, regulation or by-law. Where the work carried out under the **permit** of the condition of the **site** as a result of the activity carried out under the **permit** results in such a breach which is brought to the attention of the **Director**, the **Director** may revoke the **permit**.

2. The City may in its absolute discretion:

- (a) upon the failure by the **Permit** holder or **owner** to complete all or part of the works in the time stipulating in the Control Plan, carry out or arrange for the completion of the said works or any part thereof or otherwise return the sit to its original condition or modified condition in compliance with this by-law;
- (b) upon the failure by the **Permit** holder or **owner** to repair or maintain a specific part of the works as required, in the time requested by the City, at any time carry out or arrange for the repair or maintenance; or
- (c) in the case of emergency repairs or clean up, carry out or arrange for necessary repair or maintenance immediately; and
- (d) carry out or arrange for the above or other remedial work authorized in this by-law or by Council at the expense of the **owner**, and in doing so, may draw upon any security held under this by-law partially or to the full extent, or add such expense including interest in whole or such expenses and interest not covered by security so taken, to the real property tax roll for property held by the **owner**, to be collected in like manner as municipal taxes.

SCHEDULE "C" TO BY-LAW No. 03-126

1. The following City employees or agents are hereby designated as **Inspectors** for the purposes of this By-law and are authorized to carry out the administration and enforcement of this By-law:
 - (a) the Director of Building and Licensing and his or her designate(s) for the purposes of this by-law;
 - (b) persons appointed by Council as Inspectors under authority of Section 3 subsection (2) of the "Building Code Act";
 - (c) persons appointed by Council as Municipal Law Enforcement Officers; and
 - (d) the person appointed by Council as the City's Drainage Superintendent and his or her designate(s) for the purposes of this by-law.

SCHEDULE "D" TO BY-LAW No. 03-126

To: The City of Hamilton Drainage Superintendent

Re: Request for fill material at: _____ (address)

FULL AND FINAL RELEASE

I/We the undersigned, hereby request the City of Hamilton (the City) to deposit fill material, at no cost to either the undersigned or the City, onto the property at the above noted address.

The undersigned represent and warrant to the City that we are respectively the registered owners of the subject property and the applicant, and in consideration of the City depositing the said fill material, I/We on behalf of ourself/ourselves and our officers, Directors, agents, heirs, successors and assigns, hereby remise, release, and forever discharge and hold harmless the City, its employees, servants and agents, together with its successors and assigns, from any and all claims, demands, actions, causes of action, debts, accounts, covenants, contracts and demands of every kind, known or unknown, whether presently existing or which we might have now or in the future however arising including, and without restricting the generality of the forgoing, all claims arising out of or in any way related to the fill material and its deposit aforesaid, including again with limiting the generality any such claims that may result from the operation of City machinery and equipment off of the travelled portion of any municipal roadway.

The undersigned further agree(s) not to make any claim or take any proceedings against any other person or corporation who might claim contribution and indemnity, under the provisions of the Negligence Act, Revised Statutes of Ontario 1990, Chapter N. 1 as amended, from the person, persons and corporation discharged by this release.

The undersigned further warrant and undertake to the City that we have inquired into and obtained all necessary clearances, permits and approvals required pursuant to all federal, provincial or municipal legislation including, but not limited to, those as may be required from the relevant Conservation Authorities, the Ministry of Natural Resources, the Niagara Escarpment Commission, the City of Hamilton and all of its appropriate departments, in order to approve and authorize the placing of fill material on the lands specified herein.

The undersigned further agree that the placing of fill material shall be performed in a continuous manner and shall be completed when specified by the City, and shall not include any leveling or grading of the said material by the City.

I/We have read, understand and agree with the provisions of this document, and in particular I/We acknowledge that the terms of this release are the sole consideration for the receipt of fill from the City.

_____/_____
Owner 1 (Print Name) (Signature)

_____/_____
Owner 2 (Print Name) (Signature)

_____/_____
Applicant (Print Name) (Signature)
(If not **owner**)

_____/_____
Witness (Print Name) (Signature)

Note: Prior to placing fill at the above address, an owner or applicant requesting an exemption pursuant to Section 3.9 of this by-law, shall submit to the Director an original copy of this Schedule signed by the City of Hamilton Drainage Superintendent.

Drainage Superintendent: _____ / _____ Date: _____
(Print Name) (Signature)

SITE ALTERATION SECURITY AGREEMENT

THIS AGREEMENT made, in quadruplicate, this day of , 20 .

B E T W E E N:

CITY OF HAMILTON
(hereinafter may be referred to as the "City")

OF THE FIRST PART

- and -

(hereinafter may be referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered owner in fee simple of the property municipally known as _____ Hamilton, Ontario and described in Schedule "A" attached hereto (hereinafter referred to as the "Property") in this Agreement;

AND WHEREAS sections 142 through 144 of the *Municipal Act, R.S.O. 2001. C25* (hereinafter referred to as the "Act") authorizes Council of municipalities to pass a by-laws prohibiting or regulating the placing or dumping of fill, the removal of topsoil, the alteration of the grade of land and requiring the a Permit and requiring restoration and rehabilitation of the site in the event of contravention of the by-law;

AND WHEREAS the Owner intends to alter the grade of the Property in accordance with the Site Alteration By-law" and has applied for a Permit pursuant to that Site Alteration By-law;

NOW, THEREFORE WITNESSETH that in consideration of the application for the Permit and after review of the application and of the covenants hereinafter set forth the parties hereto mutually covenant and agree as follows:

1.0 ALTERATION OF PROPERTY GRADES

1.1 The Owner agrees that, within one (1) year from the date of the Permit, issued pursuant to the Site Alteration By-law (hereinafter referred to as the "Permit"); all placing or dumping, or alteration of the grade of the Property shall be completed in accordance with the Site Alteration By-law and the control drawings as previously approved.

1.2 It is the responsibility of the Owner:

- 1.2.1 to obtain the approval of the Director, Building and Licensing of the City of Hamilton (hereinafter referred to as the "Director") that the Property has been adequately reinstated and stabilized in accordance with the Site Alteration By-law, the approved control drawings and the terms and conditions of the Permit; *and*
- 1.2.2 to request the City to carry out a final inspection of the Property and to obtain the approval of the Director that this By-law and the terms and condition of the Permit have been complied with.

- 1.3 The Owner agrees that the works described in clause 1.1 and 1.2 above will be completed on or before , 20 .

2.0 SITE ALTERATION PERMIT

- 2.1 No Permit will be issued by the City:

- 2.1.1 until the Owner has paid all required fees;
- 2.1.2 until the Owner has shown that the realty taxes for the Property are in good standing; *and*
- 2.1.3 if the Owner is in default under the Site Alteration By-law or any other applicable law.

3.0 SECURITIES FOR PERFORMANCE

- 3.1 The Owner is to deposit with the City at the time of execution of this Agreement, securities, cash, or a Letter of Credit satisfactory in form to the City, and for a term of not less than one year, in the amount of Dollars (\$)) (hereinafter referred to as "Security") as security for;

- 3.1.1 All work which is the subject of the application including all site siltation control measures and retaining walls necessary to meet the requirements of the Site Alteration By-law; *and*
- 3.1.2 performance of any other provision of this Agreement.

- 3.2 The described Security is to be renewed by the Owner until the City deems it is no longer required to guarantee the:

- 3.2.1 completion of the said works in conformity with the provisions of this Agreement; *and*
- 3.2.2 performance of any other provision of this Agreement.

- 3.3 In the event the Owner:

- 3.3.1 fails or is negligent in performing the work required under the Site Alteration By-law to the satisfaction of the Director; *or*
- 3.3.2 fails to do any other act, matter or thing required to be done, including a renewal of the Security, under the provisions of this Agreement, the City at its discretion, at any time and from time to time, may realize upon the security described in subsection 3.1 of this section and may employ the same or the proceeds thereof, or any part thereof, in doing or completing any or all of the work or for any act, matter or thing

required to be done under this Agreement and may employ the proceeds thereof to hire legal counsel to prosecute any contravention of this Agreement or any other law.

- 3.4 In the event of default the Owner agrees and consents to permit forces hired by the City to enter upon the Property and undertake the works to be done under this Agreement, unencumbered and without restriction in any manner.

4.0 COVENANTS TO RUN WITH THE LANDS

- 4.1 All covenants and conditions set forth in this Agreement are and shall be deemed to be covenants running with the Property and it is hereby agreed between the parties of the First and Second Parts:

4.1.1 that every covenant and condition herein enures to the benefit of and is binding upon the parties of the First and Second Parts hereto and their heirs, executors, administrators, successors and assigns; *and*

4.1.2 that when the context so requires or Permits the singular number is to be read as if the plural were expressed and the masculine gender as if the feminine or neuter, as the case may be, were expressed.

5.0 RELEASE OF SECURITY

When the obligations set out in this Agreement have been fulfilled, including receipt, satisfactory to the Director, of a Letter of Compliance from the Professional Engineer or other qualified person responsible for the preparation of the control plan as previously approved, and when the Director is satisfied that the provisions of Section 1.1 and 1.2 of this Agreement have been fully complied with, the Owner's Security shall be released.

6.0 FIPPA

The Owner acknowledges that this Agreement and any information or documents provided by it to the City may be released pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. This acknowledgement shall not be construed as a waiver of any right to object to the release of this Agreement of any information.

IN WITNESS WHEREOF the parties hereto have duly set their hands and seals as of the day and year first above written.

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CITY OF HAMILTON
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Director

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SCHEDULE "A"

LEGAL DESCRIPTION OF LAND

CITY OF HAMILTON

BY-LAW NO. 03-127

**To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Wood South from 29.5m east of James to 13.5m easterly Anytime"

and by deleting from Section "E" thereof the following item, namely:

"Cherry North Pottruff to the Westerly End Anytime"

2. Schedule 10 (Alternate Side Parking) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

“Cherry Road (Pottruff to Westerly End)	North	South”
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3. Schedule 12 (Permit Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following items, namely:

"Campbell	North	from 19.2m east of Agnes to 6.1m easterly	Anytime
Campbell	South	from 7.9m east of the extended east curb line of Agnes to 5.5m easterly	Anytime
Clinton	North	commencing 78 feet east of Barnesdale and extending 17 feet easterly therefrom	Anytime
Clinton	South	commencing 61 feet east of Barnesdale and extending 18 feet easterly therefrom	Anytime
Keith	South	from 52.4m west of Douglas to 6.1m westerly	Anytime"

4. Schedule 13 (No Stopping Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Albright	North	from the extended west curb line of Harrisford to 173.7m westerly	7:00 a.m. to 6:00 p.m. Monday to Saturday
Albright	North	from 173.7m west of the extended curb line of Harrisford to 27.1m westerly	Anytime"

5. Schedule 14 (Wheelchair Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "B" thereof the following item, namely:

"Baldwin Street	North	from 104m west of West Street to 13m westerly	8:00 a.m. to 4:00 p.m." Monday to Friday
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6. Schedule 20 (School Bus Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

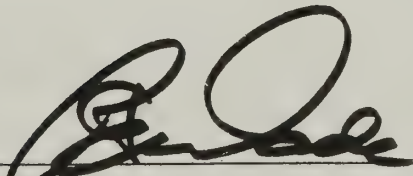
"Albright	North	from 88.1m west of the extended curb line of Harrisford to 27.4m westerly	7:00 a.m. to 6:00 p.m." Monday to Saturday
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and by deleting from Section "E" thereof the following item, namely:

"Albright North 40 feet 370 feet west of the east 7:00 a.m. – 6:00 p.m."
curb line of Harrisford Monday to Saturday

7. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
8. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 28th day of May, 2003.



Mayor



City Clerk

Authority: Item 31 Committee of the Whole
Report 03-015 (PD011206)
CM: May 28, 2003

Bill No. 128

City of Hamilton

BY-LAW NO. 03-128

A By-law to repeal and replace by-law numbers:

Town of Flamborough By-Law #90-24-L - taxi and limousine schedule;
Township of Glanbrook By-Law #476-92;
Town of Ancaster By-Law #79-66, amended by By-Law #91-02;
Town of Dundas By-Law #4200-95;
City of Stoney Creek By-Law #4413-96, amended by By-Laws #4519-97, 5041-99,
5074-00; and
City of Hamilton By-Law #98-203, Schedule 2

A By-Law to provide for
licensing, regulating and governing taxicab brokers, taxicab owners and taxicab drivers of motor
vehicles used for hire and for limiting the number of taxicab owner licences.

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WHEREAS it is in the best interests of the public to provide taxicab drivers, owners and brokers from the former municipalities amalgamated into the City of Hamilton open access and harmonized regulation throughout the new boundaries of the City of Hamilton;

AND WHEREAS it is in the best interests of the public to institute safety measures for the public and the taxicab industry and to promote professionalism in the taxicab industry;

AND WHEREAS it is in the best interests of the public to ensure adequate servicing of the public by the taxicab industry;

AND WHEREAS it is provided in the Municipal Act, 2001 that by-laws may be passed for licensing, regulating and governing taxicab owners and drivers of taxicabs, buses, motor and other vehicles used for hire or any class or classes thereof, and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers, either wholly within the municipality or to any point not more than 5 kilometres beyond its limits, and for providing for collection of such rates or fares and for suspending and revoking any such licences; and that by-laws may be passed for licensing, regulating and governing businesses;

AND WHEREAS pursuant to the Municipal Act, 2001, the City of Hamilton may, within the limitations therein set out, licence, regulate and govern the taxi industry;

AND WHEREAS the City of Hamilton enacted By-Law 01-156, known as the *City of Hamilton Licensing Code*, and hereby amend Schedule 25 of the said By-Law 01-156

BE IT THEREFORE ENACTED by the Municipal Council of the City of Hamilton, as an Amending By-Law, Schedule 25 to By-Law 01-156 thereof as follows:

1. DEFINITIONS AND INTERPRETATION

(a) In this Schedule:

- (1) "accessible taxicab" means a motor vehicle approved for use as a taxicab by the Issuer of Licences and originally constructed or subsequently modified to permit the loading, transportation and off-loading of persons confined to a wheelchair, or similar device used to assist the disabled, without transfer and which motor vehicle complies with Ontario Regulation 167/81, as amended and Canadian Standards Association's Standard D409-M84;
- (2) "accessible taxicab driver" means a licensed taxicab driver whose taxicab driver's licence has been endorsed by the Issuer of Licences to permit the licensee to drive an accessible taxicab in the City of Hamilton;
- (3) "accessible taxicab owner" means a licensed taxicab owner whose taxicab owner's licence has been endorsed by the Issuer of Licences to permit the operation of an accessible taxicab in the City of Hamilton;
- (4) "applicant" means a person applying for a licence or renewal thereof under this Schedule;
- (5) "authorized sign" means a parking sign as described in this Schedule;
- (6) "By-Law" means By-Law 01-156 unless the context refers otherwise;
- (7) "carry on" when used in reference to a taxicab or to a taxicab brokerage business means to continuously operate, engage, drive, or make a taxicab available for the conveyance of passengers for hire or reward and includes waiting for, accepting, or dispatching orders;

- (8) "City" means the City of Hamilton;
- (9) "Committee" means the Licensing Committee of the City;
- (10) "continuously operate" means to drive a licensed taxicab and/or to make the licensed vehicle available to the public for the conveyance of passengers for a minimum of eight (8) hours per day for at least five (5) days per calendar week throughout the calendar year save and except for suspensions of operation due to necessary repairs provided that they are made within fourteen (14) calendar days or due to necessary vehicle replacement due to fitness or age reasons provided that it is completed within thirty (30) calendar days;
- (11) "conveyance" means to carry, transport, transfer or move;
- (12) "Council" means the Council of the City of Hamilton;
- (13) "disabled" means any physically, emotionally or mentally handicapped person who is unable because of mobility impairment to use a regular public transit facility;
- (14) "disabled passenger" means a passenger who is physically disabled;
- (15) "dispatch" means the communication of an order or information in any manner between a taxicab broker and a taxicab driver;
- (16) "driver's licence" means a licence issued to a taxicab vehicle driver under this Schedule and "licensed driver" has a corresponding meaning;
- (17) "dues" means any amount of money charged by a taxicab broker to a taxicab owner to receive orders from the taxicab broker;
- (18) "fare" means the amount of money displayed on the taxicab meter at the conclusion of a trip, or the flat rate allowed under this Schedule for the trip, together with any additional charges allowed under this Schedule and, where the context so requires, shall also refer to the Tariff/Fare rates set out in Appendix "1" of this Schedule;
- (19) "Fees Schedule" means Schedule "31" of By-Law 01-156 (Licence and Examination Fees), as amended from time to time;
- (20) "fleet" means one or more taxicabs being dispatched by one taxi broker or owned by the same person;
- (21) "fleet owner" means the owner of a fleet;
- (22) "grossly unclean person" means a person covered in an amount of dirt and/or other material so excessive that if transported by the driver, the state of the person could leave the interior of the vehicle in a unclean state;
- (23) "highway" includes a road allowance, a common and public highway, street, avenue, parkway, boulevard, square, place, bridge, viaduct or trestle, designed and intended for or used by the general public for the passage of vehicles;
- (24) "Highway Traffic Act" means the Highway Traffic Act R.S.O. 1990 c.H. 8, as amended, and the regulations thereunder;

- (25) "Issuer of Licences" means the Issuer of Licences of the Planning and Development Department, Building & Licensing Division, of the City of Hamilton or his or her designates;
- (26) "lease" means any contract, agreement, understanding or other arrangement whereby an owner permits another person to manage, operate, control, have custody of, or otherwise employ his or her licensed vehicle and owner's plate, other than permitting a driver to drive the taxicab for one normal driver's shift where the taxicab is returned to the owner at the end of such shift; and "to lease a licensed vehicle" includes the act of any owner in entering into or becoming a party to such a contract, agreement, understanding or other arrangement. Without limiting the generality of the foregoing, "lease" also includes a power of attorney, management contract and any other arrangement or agreement whereby any person other than an owner is allowed to exercise or does exercise any of the rights set out herein;
- (27) "lease agreement" means a written agreement wherein a limited interest in a licence is temporarily transferred by a taxicab owner, and containing terms and conditions prescribed in section 37 and any other terms and conditions not contrary to this Schedule;
- (28) "lessee" means a person who is either a licensed taxicab owner or taxicab driver under this Schedule and who has entered into a lease with a licensed taxicab owner through which the person acquires certain rights from the owner and under takes to fulfil certain responsibilities with respect to the use of the taxicab owner's licence, licence plate and vehicle;
- (29) "lessor" means a taxicab owner licensed under this Schedule and who has entered into a lease with a licensed taxicab owner or taxicab driver through which the owner gives certain rights but maintains the responsibility to ensure that the lessee carries on or engages in the conveyance of passengers while in compliance with the provisions of this Schedule;
- (30) "licence" means the document issued, pursuant to this Schedule, to an applicant for same by the City as evidence of being licensed under this Schedule;
- (31) "licensee" means any person licensed under this Schedule;
- (32) "licensed" means licensed under this Schedule;
- (33) "motor vehicle" means an automobile and any other vehicle propelled or driven other than by muscular power, but does not include the cars of electric or steam railways, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act R.S.O. 1990 c.H. 8;
- (34) "Municipal Act, 2001" means the Municipal Act, 2001, S.O. 2001, c. 25, as amended, and any regulations thereunder;
- (35) "new taxicab owner's licences" means taxicab owner's licences issued after the date of enactment of this Schedule save and except renewals or approved transfers of taxicab owner's licences existing at the date of the enactment of this Schedule;
- (36) "Officer" means a Provincial Offences Officer, a Municipal Law Enforcement Officer appointed by the Council and a Police Officer;
- (37) "order" means a request for the conveyance of passengers by a taxicab received by a taxicab broker;
- (38) "owner's plate" means a metal vehicle licence plate bearing a number specific to a vehicle issued to a taxicab owner under this Schedule;
- (39) "passenger" means any person in a taxicab other than the driver;

- (40) "party" means any person who has an interest in any premise or vehicle licensed under this Schedule and includes the City;
- (41) "person" includes an individual, partnership, corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- (42) "Priority List" means the list of applicants for a taxicab owner's licence maintained by the Issuer of Licences with names set out thereon in chronological order as to the date and time of receipt of application as set out in Appendix "4" to this Schedule. ;
- (43) "public place" means places to which the public is invited and include parking lots, plazas, municipal properties and road allowances;
- (44) "registered owner" means the person shown to be the owner of a motor vehicle according to the records maintained by the Registrar of Vehicles for the Province of Ontario;
- (45) "revoke" means to withdraw or rescind;
- (46) "Schedule" means Schedule 25 to By-Law 01-156;
- (47) "spare vehicle" means a vehicle that has been authorized by the Issuer of Licences to be used as a taxicab in substitution for a vehicle for which an owner's licence has been issued, pursuant to the provisions of this Schedule;
- (48) "sub-lease" means an agreement between a lessee and a person under which the lessee provides certain rights that he or she has acquired from a licensed owner and where the person undertakes to fulfil certain responsibilities to the lessee;
- (49) "Tariff card" means the card issued by the Issuer of Licences setting out the tariff/fares set out in Appendix "1" and shall at all time be and remain the property of the City;
- (50) "taxicab" has the following meanings:
- (i) for the purposes of Sections 2 and 5, a motor vehicle as defined in the Highway Traffic Act, used for the conveyance of passengers for hire, compensation or reward
 - (ii) a motor vehicle as defined in the Highway Traffic Act, used for the conveyance of passengers for hire, compensation or reward for one specific trip exclusively of one person or group of persons, that is approved for use by the Issuer of Licences and equipped with a taximeter and four (4) accessible doors and has a seating capacity of not less than four (4) persons, including the driver, and not more than ten (10) persons, including the driver, and may include a van type vehicle having not less than three doors;
 - (iii) a vehicle with the following characteristics: providing transportation on demand, where the location of boarding of the passenger and the destination is unknown in advance of the request of the passenger, where the passenger chooses the destination, where there are no set routes, schedules or stops for boarding, and where any repeat or regular trips by a passenger or passengers are made based on the passengers need or needs for transportation without a relation to the special features of the vehicle;
- (51) "taxicab broker" means any person who carries on the business of accepting calls, orders and/or dispatching taxicabs that are used for hire;

(52) "taxicab driver" means a person who is licensed as such or required to be licensed as such under this Schedule and includes a taxicab owner who drives a taxicab;

(53) "taxicab owner" means a person who is licensed as such or required to be licensed as such under this Schedule and includes a lessee, licensed under this Schedule, of a taxicab owner's vehicle;

(54) "taximeter" means a measuring device used in a taxicab to calculate the fare payable for a meter trip;

(55) "taxicab stand" means a stand or place on a highway or area of land set aside or assigned by the City for the purpose of providing a site for use by a taxicab or taxicabs while it is waiting for, picking up, or otherwise carrying on or engaged in the conveyance of passengers and that is marked by signs authorized under Appendix "3" to this Schedule;

(56) "trip" means the distance and time travelled or the distance and time to be travelled measured from the time and point at which the passenger first enters the taxicab or when the meter is first engaged to the time and point at which the passenger finally leaves the taxicab or the meter is disengaged;

(57) "trip sheet" means the written record of the details of each trip of a taxicab as prescribed in this Schedule; and

(58) "vehicle" means a motor vehicle.

(b) In this Schedule unless the context otherwise requires words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context so requires.

2. SCOPE and APPLICATION OF SCHEDULE

- (1) The licensing and fare provisions of this Schedule shall apply to the owners and drivers of taxicabs while waiting for or carrying on or being engaged in the conveyance of passengers originating from any point within the City and to taxicab brokers if any part of the business is carried on within the City even where the business premises of the brokerage business is located outside the City.
- (2) This Schedule shall apply to brokers, owners and drivers of taxicab vehicles kept or used for hire in the City of Hamilton. The tariff/fare rates contained in Appendix "1" attached hereto and forming part of this Schedule shall apply respectively for use of taxicabs wholly within the City or to any point not more than 5 kilometres beyond its limits.
- (3) This Schedule shall apply to any person who is operating a "taxicab" or an "accessible taxicab" of any type defined in this Schedule when engaged in the provision of a motor vehicle for hire that is licensed and regulated by the provisions of this Schedule.

3. EXEMPTIONS

- (1) The licensing and fare provisions of this Schedule shall not apply to the owners and drivers of taxicabs while:
 - (i) engaged in the conveyance of goods or passengers from any point within the City to any point beyond the boundaries of the City where the conveyance is made to an airport owned and operated by the Crown in Right of Canada by a taxicab bearing a valid and subsisting plate issued in respect of the airport under the Government Airport Concession Operations Regulations under the Department of Transport Act (Canada); and

- (ii) engaged in the conveyance of a disabled person, pursuant to a written contract provided the provisions of Section 38 of this Schedule are complied with, from any point within the City to any point outside the City.
- (2) No person shall be required to be licensed under the provisions of this Schedule for the operation of an ambulance or a funeral hearse.
- (3) The operation of a motor vehicle that has seating for 10 or more persons excluding the driver, does not require a licence under this Schedule.
- (4) A motor vehicle operated by or on behalf of the City of Hamilton as part of a public transportation service, including a public transportation service for the transportation of senior citizens or disabled persons, and in particular including a vehicle owner or operated by the Hamilton Street Railway Company or a motor vehicle owner or operated by the Disabled and Regional Transit System (hereinafter called "DARTS"), or being a subcontractor to DARTS, is exempt from the requirement for an owners or drivers licence under Schedules 8 and 25 of By-Law 01-156, as amended.
- (5) The transportation of students for hire, to and from school within the City of Hamilton where the vehicle used is a school bus that is licensed under the Public Vehicles Act, R.S.O. 1990, c.54 does not require a licence under Schedules 8 or 25 of By-Law 01-156, as amended. In this Schedule, the words "school" and "school bus" shall have the meanings provided in subsection 175(1) of the Highway Traffic Act.
- (6) A motor vehicle licensed under the Public Vehicles Act, being used for the transportation of children, deemed to be of special need by the school board or other authority in charge of the school hiring the transportation, does not require a licence under Schedules 8 and 25 of By-Law 01-156, as amended. In this Schedule, a reference to "special need" shall be deemed a reference to needs as provided for in writing in the Transportation Policy of the Board of Education for the City of Hamilton, and The Hamilton-Wentworth Roman Catholic Separate School Board Transportation Policy and Regulations of such school board or other authority in charge of the school, as may be amended or added to from time to time, or as a board or other authority may accommodate under section 190 of the Education Act, R.S.O. 1990, c.E.2.
- (7) A motor vehicle providing transportation under contract exclusively for children, and operating in a manner distinct from taxicab is exempt from the requirement for an owner's or driver's licence under Schedules 8 and 25 of By-Law 01-156, as amended;

For the purposes of the foregoing, the following meanings shall apply:

- (i) "contract" means a written agreement to provide regular transportation services, for the taking of passengers to and from a specific location or to accommodate a need in common to the passengers in addition to transportation, with a term of at least one month, with fees for service fixed in the agreement and not by the metering of time or mileage of actual trips, and includes an agreement with a facility as opposed to the passengers; and
- (ii) "manner distinct from taxicab" means lacking one or more characteristics of a taxicab.

4. SHORT TITLE

This Schedule shall be known as "A By-Law to Regulate Taxicabs and Taxicab Drivers, Owners and Brokers".

5. GENERAL PROHIBITIONS

- (1) No person shall act as or hold oneself out to be a driver of a taxicab or to otherwise carry on or engage in the conveyance of passengers for hire or compensation within the City unless licensed as a driver under this Schedule.
- (2) No person shall act as or hold oneself out to be the owner of a taxicab or otherwise carry on or engage in the conveyance of passengers for hire or compensation within the City unless licensed as an owner under this Schedule.
- (3) No person shall act as or hold oneself out to be a broker of a taxicab or otherwise carry on or engage in the business of accepting orders and dispatching taxicabs for the conveyance of passengers within the City unless licensed as a taxicab broker under this Schedule.
- (4) No person shall use or operate a motor vehicle to convey persons for hire or compensation or otherwise carry on or engage in the conveyance of passengers within the City except under the authority of a taxicab driver or taxicab owner's licence.
- (5) No person shall represent or cause to be represented that he or she is licensed as a driver, owner or broker of a taxicab if he or she is not licensed under this Schedule.
- (6) No person, other than a driver of a taxicab licensed under this Schedule, shall park a vehicle at any stand marked as a taxicab stand by authorized signs.
- (7) No person licensed under this Schedule, when requested to do so by an Officer, shall fail to produce or deliver his or her licence and/or any other relevant documents or things required by this Schedule.
- (8) No person shall obstruct an Officer while engaged in duties under this Schedule.
- (9) No person shall operate a taxicab or act as a driver, owner or broker of a taxicab while such person's licence is under suspension.
- (10) No person licensed as an owner or a broker of a taxicab pursuant to this Schedule shall acquiesce in or permit a driver, whose licence is under suspension, to drive a taxicab under the power or control of such owner or broker.

6. GENERAL DUTIES - TAXICAB DRIVERS/OWNERS/BROKERS

- (1) There shall be taken out by every driver, owner and broker of a taxicab, a licence from the City authorizing such person to carry on or to engage in the conveyance of passengers for hire or compensation in the City.
- (2) Where a person is required to obtain a licence under subsection (1),
 - (a) a separate licence certificate shall be issued for each licence applied for, and
 - (b) a separate licence certificate shall be issued for each taxicab.
- (3) Every licence certificate issued to a taxicab owner or a taxicab broker shall clearly identify the one vehicle in respect of which the licence was issued to such taxicab owner or taxicab broker.
- (4) Every driver, owner and broker of a taxicab shall report to the Issuer of Licences and/or an Officer, as required, pursuant to the provisions of this Schedule.

- (5) Every driver, owner and broker of a taxicab shall provide to the Issuer of Licences and any Officer enforcing this Schedule, upon request and/or when required pursuant to this Schedule, all records and documents required to be prepared, retained and/or produced pursuant to this Schedule.

7. GENERAL DUTIES – ISSUER OF LICENCES

The Issuer of Licences shall be responsible:

- (1) to receive and process all applications for licences and for the renewal of licences to be issued under this Schedule;
- (2) to recommend the issuance and renewal of licences for applicants who meet the requirements of this Schedule;
- (3) to enforce the provisions of this Schedule;
- (4) to generally perform all of the administration functions required by this Schedule;
- (5) upon receipt of an application for a licence or renewal thereof or a leasing agreement proposal made pursuant to this Schedule, make or cause to be made all investigations required by law, this Schedule or by the Committee relative to such application;
- (6) be responsible for the issuance, suspension and revocation of all licences pertaining to this Schedule;
- (7) when required, provide to applicants for licences under this Schedule the appropriate examination paper to be completed;
- (8) maintain a record of all licences issued including the name and address of each licensee and the number of taxicabs owned by each licensee;
- (9) maintain a record of each vehicle licensed hereunder including the make, model, year, serial number, the Provincial licence plate number, the taxicab owner plate number, and the date of the issuance of each licence;
- (10) issue a licence plate to each licensed taxicab owner;
- (11) issue a Tariff card to each licensed taxicab driver; and
- (12) issue a photo identification card to each licensed taxicab driver.

8. LICENSING PREREQUISITES – TAXICAB DRIVERS

- (1) No person shall be licensed or have a licence renewed as a taxicab driver:
 - (a) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof;
 - (b) unless such person pays all required fees, pursuant to this Schedule, the Fees Schedule and/or By-Law 01-156, to the Issuer of Licences;
 - (c) unless such person pays all outstanding fines and/or penalties imposed in accordance with the Municipal Act, 2001 and/or the Provincial Offences Act to the Issuer of Licences for contravention(s) of this Schedule and/or By-Law 01-156;

- (d) unless such person completes all application forms required under this Schedule, or as required by the Issuer of Licences from time to time, and files same with the Issuer of Licences;
- (e) unless such person fully completes an application for a taxicab driver's licence in a form prescribed by and available from the Issuer of Licences;
- (f) unless such person provides proof to the Issuer of Licences that:
 - (i) he or she is at least eighteen (18) years of age and a citizen of Canada, a landed immigrant, or produces a valid work permit to work as a taxicab driver, issued by the Government of Canada.
 - (ii) he or she holds in his or her name a current, valid, full Class "G" Provincial motor vehicle driver's licence issued by the Province of Ontario under the provisions of the Highway Traffic Act; which is in good standing according to the laws of the Province of Ontario and Canada and the records of the Ministry of Transportation.
 - (iii) he or she is able to speak, read and write the English language; and
 - (iv) they have completed the approved service and skills training program(s) required by the Issuer of Licences under this Schedule;
- (g) unless such person provides a letter of intent to employ from a licensed taxicab owner, lessee or taxicab broker for whom he or she will be driving;
- (h) unless such person provides a Police Security Clearance Record Check and a Ministry of Transportation driver's abstract, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences;
- (i) unless such person meets the requirements of sections 5, 50, 51, 56 and 57 of this Schedule relating to driver duties; and
- (j) where an investigation conducted under section 7(5) of this Schedule reveals that an applicant is not entitled to be licensed under section 23 of this Schedule.

Service And Skills Training Program

(2) No person shall be licensed as a taxicab driver:

- (a) unless the applicant for a licence, before a licence is issued, undertakes and successfully completes a service and skills training program, as prescribed by the Issuer of Licences, including an in-car component, as well as in-class tests and sessions encompassing geography, customer service, tourism, hospitality, defensive driving, communication skills, cab maintenance, Schedule 25 provisions and monetary transactions. Without limiting the foregoing, the applicant for a licence, before a licence is issued, shall demonstrate a satisfactory knowledge of,
 - (i) the operation of a taxicab and of this Schedule and By-Law 01-156, as it relates to taxicabs;
 - (ii) the laws and regulations pertaining to traffic and motor vehicles;
 - (iii) the relationship between taxicab drivers and limousines drivers in respect of passengers including duties, behaviours, appearance, decorum;

- (iv) the use of the equipment part of taxicabs including two-way radio, taximeter, required emergency equipment and roof lights;
 - (v) the use of trip sheets, making damage reports and record keeping; and
 - (vi) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides;
- (b) In the interim, prior to the implementation of the service and skills training program by the City set out in subsection 8(2)(a), the applicant for a licence, before a licence is issued, shall undertake and successfully complete one or more written tests set by the Issuer of Licences pertaining to his or her knowledge of,
- (i) the operation of a taxicab and of this Schedule and By-Law 01-156, as it relates to taxicabs;
 - (ii) the laws and regulations pertaining to traffic and motor vehicles;
 - (iii) the relationship between taxicab drivers and limousines drivers in respect of passengers including duties, behaviours, appearance, decorum;
 - (iv) the use of the equipment part of taxicabs including two-way radio, taximeter, required emergency equipment and roof lights;
 - (v) the use of trip sheets, making damage reports and record keeping; and
 - (vi) the location of streets, public buildings, hospitals, transportation terminals, points of interest and use of street guides;
- (3) Notwithstanding the provisions of subsection 8(2)(a), taxicab drivers licensed at the time of the enactment of this Schedule shall be required to undertake and complete an updating service and skills training program, as prescribed by the Issuer of Licences, within three (3) years from the date of the enactment of this Schedule unless the Issuer of Licences determines, in his or her opinion, that circumstances warrant that a driver should undertake and complete the updating service and skills training program at or within an earlier time period or should undertake and complete the full service and skills training program before renewal of his or her licence;
- (4) Only those persons successfully completing the required service and skills training program will be issued a taxi driver licence or renewal thereof in the City of Hamilton, and all such drivers shall be required to undergo updating or re-testing as deemed necessary by the Issuer of Licences;
- (5) Notwithstanding any other provision of this Schedule, no licence shall be issued to an applicant nor any licence renewed unless such person applying, if required to undertake and complete any testing, updating or re-testing program, including but not limited to those programs stipulated in subsections 8(2)(a) and (b),
- (i) receives a mark of at least seventy-five percent (75%) on the first attempt in each section of the written tests and other examinations of such program; or
 - (ii) receives a mark of at least eighty-five percent (85%) on the second or any subsequent attempt in each of the written tests and other examinations of such program.
 - (iii) Only three (3) attempts to successfully undertake and complete the interim testing program, as set out in subsection 8(2)(b), may be made by an applicant for a licence. This provision shall not limit the right of an applicant to attempt the service and skills training program set out in subsection 8(2)(a).

- (6) The City of Hamilton shall undertake a regulatory role in the provision of the driver service and skills training and testing programs with the administrative role being carried out by educational institutions approved by the Issuer of Licences.

9. LICENSING PREREQUISITES – TAXICAB OWNERS

No person shall be licensed as a taxicab owner or have such a licence renewed:

- (1) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof,
 - (a) where the applicant is a partnership, a partner shall attend for the purpose of subsection 9(1);
 - (b) where the applicant is a corporation the application shall be completed and filed personally by an officer or director of the Corporation having signing authority for the purpose of subsection 9(1);
- (2) unless such person pays all required fees and completes and files all application forms required under this Schedule with the Issuer of Licences;
- (3) unless such person fully completes an application for a taxicab owner's licence in a form prescribed by and available from the Issuer of Licences;
- (4) unless:
 - (a) such person is licensed as a taxicab driver under this Schedule and where the person is a corporation, the person holding shares carrying at least fifty-one percent (51%) of the voting rights attached to all shares of the corporation for the time being issued and outstanding shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule;
 - (b) if no one person holds at least fifty-one percent (51%) of the voting rights of the corporation, then the minority shareholder, holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. Where among the minority shareholders there are more than one minority shareholder holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, the corporation shall designate the minority shareholder among such group who shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule.
- (5) unless such person files with the Issuer of Licences proof that he or she holds a current passenger motor vehicle permit which is in good standing and was issued only in the applicant's name by the Ontario Ministry of Transportation for the motor vehicle of which he or she is the owner;
- (6) unless such person produces and files with the Issuer of Licences, either an Ontario Ministry of Transportation Vehicle Inspection Report, showing that the vehicle to be licensed has been approved and accepted, within the previous thirty-six (36) days, or a safety standards certificate issued under the Highway Traffic Act R.S.O. 1990, c. H. 8 within thirty-six (36) days of application;
- (7) unless such person produces and files with the Issuer of Licences, a copy of a current and valid Ontario Standard Automobile Insurance policy for the vehicle for which such person is the owner and the policy shall be endorsed to provide that the Issuer of Licences will be given at least thirty (30) days' notice in writing prior to any cancellation, expiration or change in the coverage amount or terms of the policy and the policy shall have a third party liability limit of no less than \$5,000,000.00 per occurrence, exclusive of interest and costs, indemnifying and protecting the owner and the public, including passengers and goods carried in such vehicles, inclusive of public liability and property damage;

- (8) unless, where the applicant is an individual or a partner of a partnership, such person provides proof that he or she is at least eighteen (18) years of age;
- (9) unless, where the applicant is a corporation, the applicant has submitted to the Issuer of Licences a copy of the incorporating documentation, a copy of the last initial notice/notice of change which has been filed with the appropriate government department and a Certificate of Status issued by the Ministry of Consumer and Business Services;
- (10) unless, where the applicant is a corporation, the applicant has provided details of the corporate ownership in a form acceptable to the Issuer of Licences;
- (11) unless, where the applicant is a partnership, the applicant has provided details of the partners and interests in the partnership of each such partner in a form acceptable to the Issuer of Licences;
- (12) unless such person provides a Police Security Clearance Record check, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences,
 - (a) in the case of a partnership, the Police Security Clearance Record check shall be of each partner; and
 - (b) in the case of a corporation, the Police Security Clearance Record check shall be of each officer, director and shareholder;
- (13) unless the vehicle registered in the persons name meets the requirements of sections 41 to 46, inclusive, of this Schedule relating to vehicle approval;
- (14) unless such person provides on his or her own or in conjunction with a licensed taxicab broker, a suitable office for the carrying on or engaging in his or her business and keeps the same orderly, clean and neat;
- (15) unless the applicant, and in the case of a Corporation an officer of the Corporation, files with the Issuer of Licences a valid certificate of completion of an approved service and skills training program required pursuant to this Schedule by the Issuer of Licences;
- (16) unless the applicant for a taxicab owner's licence has been directly and actively engaged in taxicab industry for a period of at least twelve (12) months preceding the date of application;
 - (a) For the purposes of subsection 9(16), "directly and actively engaged in the taxicab industry" shall mean active for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period, preceding the date of application for a licence, in the City of Hamilton taxicab industry in the capacity of a licensed taxicab driver, a licensed taxicab owner, a licensed taxicab broker, a taxicab dispatcher, a taxicab telephone service operator or a taxicab business mechanic;
 - (b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 9(16), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in the taxicab industry on a full time basis in the City as,
 - (i) a licensed taxicab driver,
 - (ii) a licensed taxicab owner,
 - (iii) a licensed taxicab broker,
 - (iv) a taxicab dispatcher,

(v) a taxicab telephone service operator, or

(vi) a taxicab business mechanic,

for a period of not less than one (1) year immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to undertake active engagement in the management or day to day operations of his or her taxicab(s) as defined in subsection 9(17)(a).

(17) unless the applicant for the renewal of a taxicab owner's licence has been directly and actively engaged in the management or day to day operations of his or her taxicab for a period of at least twelve (12) months preceding the date of application;

(a) For the purposes of subsection 9(17), "directly and actively engaged in the management or day to day operations of his or her taxicab(s)" shall mean active for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period, preceding the date of application for a licence or renewal thereof, in the City of Hamilton in the capacity of a licensed taxicab owner;

(b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 9(17), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as a licensed taxicab owner for a period of not less than one (1) year immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to resume active engagement in the management or day to day operations of his or her taxicab(s).

(18) upon enactment of this Schedule, every then holder of a taxicab owner's licence shall provide proof that he or she has been directly and actively engaged in the management or day to day operations of his or her taxicab(s) for the past six (6) years preceding the date of application to be eligible to apply for a renewal of such taxicab owner's licence.

(a) For the purposes of subsection 9(18), "directly and actively engaged in the management or day to day operations of his or her taxicab(s)" shall mean active in the City of Hamilton in the capacity of a licensed taxicab owner for an average of at least 35 hours per week during at least forty (40) weeks of each twelve (12) month period in the six (6) years preceding the date of application for a renewal of such taxicab owner's licence;

(b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 9(18), the applicant may complete and file with the Issuer of Licences in lieu thereof a sworn Declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario and such other evidence as the Issuer of Licences may require and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as a licensed taxicab owner for a period of not less than six (6) years immediately preceding the onset of the medical disability and during any period that the applicant was able to be so actively engaged during the year preceding the date of application and is, at the date of application, fit to resume active engagement in the management or day to day operations of his or her taxicab(s).

(19) The documentation to establish direct and active engagement, as required by subsections 9(16), (17) and (18), which shall be submitted to the Issuer of Licences by the applicant for a taxicab owner's licence or a renewal thereof shall include, but not be limited to, the following:

- (i) the original or certified copy of the certificate of insurance for the subject vehicle(s);
 - (ii) the original drivers' lists;
 - (iii) the original trip sheets;
 - (iv) the original mechanical fitness and safety certificates issued under the Highway Traffic Act;
 - (v) the Customs and Revenue Canada T4 Form for each taxicab driver;
 - (vi) the City inspection certificates; and
 - (vii) vehicle ownership;
- (20) unless such person meets the requirements of Sections 5, 52, 53, 56 and 57 of this Schedule relating to owner duties; and
- (21) where an investigation conducted under Section 7(5) of this Schedule reveals that the applicant is not entitled to be licensed under Section 23 of this Schedule.

9.1 LICENSING PREREQUISITES – ACCESSIBLE TAXICAB OWNERS

- (1) Each applicant for an accessible taxicab owner licence or renewal thereof shall:
- (a) be a licensed taxicab owner with the City of Hamilton in accordance with the provisions of this Schedule and meet the prerequisites thereof;
 - (b) submit his or her taxicab owner licence to the Issuer of Licences for endorsement to permit the use of the licensed vehicle as an accessible taxicab.

10. LICENSING PREREQUISITES - TAXICAB BROKERS

No person shall be licensed as a taxicab broker or have such a licence renewed:

- (1) unless such person attends in person and not by agent or representative at the Issuer of Licences offices of the City and completes a written application for such a licence or a renewal thereof and where the applicant is a corporation, the application shall be completed and filed personally by an officer or director of the Corporation having signing authority;
- (2) unless such person pays all required fees and completes and files all application forms required under this Schedule with the Issuer of Licences;
- (3) unless such person fully completes an application for a taxicab broker's licence in a form prescribed by and available from the Issuer of Licences;
- (4) unless, where the applicant is an individual or a partner, such person provides proof that he or she is at least eighteen (18) years of age;
- (5) unless such person provides a Police Security Clearance Record check, dated no later than thirty-six (36) days prior to the application for a licence or renewal thereof, to the Issuer of Licences,
 - (a) in the case of a partnership, the Police Security Clearance Record check shall be of each partner; and

- (b) in the case of a corporation, the Police Security Clearance Record check shall be of each officer, director and shareholder;
- (6) unless, where the applicant is a corporation, the applicant has submitted to the Issuer of Licences a copy of the incorporating documentation, a copy of the last initial notice/notice of change which has been filed with the appropriate government department and a Certificate of Status issued by the Ministry of Consumer and Business Services;
- (7) unless, where the applicant is a corporation, the applicant has provided details of the corporate ownership in a form acceptable to the Issuer of Licences;
- (8) unless, where the applicant is a partnership, the applicant has provided details of the partners and interests in the partnership of each such partner in a form acceptable to the Issuer of Licences;
- (9) unless such person provides proof to the Issuer of Licences that the premises from which he or she intends to operate, carry on or engage in the business of a taxicab broker, on his or her own or in conjunction with a licensed taxicab owner, are situated within the limits of the City and will continue to be so situated throughout the term of his or her licence and are suitable for the operation of, carrying on or engaging in the taxicab broker business and that such premises will be kept orderly, clean and neat and comply with applicable zoning;
- (10) unless such person provides proof to the Issuer of Licences that he or she has a satisfactory system for receiving and dispatching calls for the taxicabs operating within his or her fleet, and that such system will not interfere with the operation of the taxicabs of another taxi broker, taxicab owner or fleet;
- (11) where, on application for renewal of a broker's licence, the licensee has not complied with Sections 5, 54, 55, 56 and 57 of this Schedule or where the licensee has not returned the licence issued for the year immediately prior to renewal; and
- (12) where an investigation conducted under section 7(5) of this Schedule reveals that the applicant is not entitled to be licensed under section 23 of this Schedule.

11. LICENCE FEES

The licence fees to be paid to the City for those licences referred to in this Schedule shall be as outlined in the Fees Schedule (Schedule "31" of By-Law 01-156, as amended from time to time).

12. TERMS AND CONDITIONS

Notwithstanding any other provision of this Schedule, the Council, on the recommendation of the Committee, may issue a licence or renew a licence subject to such terms and conditions as are necessary to give effect to the intent and purpose of this Schedule and By-Law 01-156 if first consented to by the applicant or licensee or if recommended by the Issuer of Licences during a hearing or after a hearing as provided in section 24 of this Schedule.

13. LIMITATIONS

- (1) The following limitations are imposed on the issuance of taxicab owner licences in the City of Hamilton:
 - (a) A licence issued under the provisions of this Schedule shall expire one year from the date of issue or on the date specified on the licence, unless renewed or previously suspended or revoked,
 - (b) No new taxicab owner's licences shall be issued by the City of Hamilton for one year from the date of enactment of this Schedule to measure the impact of amalgamation on the taxi industry.
 - (c) The issuance of new taxicab owner's licences shall be in accordance with the current ratio of taxicab owners' licences to population of one (1) taxicab owner's licence per 1,170 population.
- (2) Notwithstanding any other provision of this Schedule, no taxicab owner's license shall be issued, except for renewals or approved transfers, until Council authorizes the issuance of licences for that year.
- (3) Notwithstanding any other provision of this Schedule, Council may authorize the issuance of additional temporary licences for major special events in the City, as determined by Council, expiring upon the termination of the event.
- (4) Every licence and licence plate issued under this Schedule is the property of the City and no person shall enjoy a vested right to a licence issued under this Schedule.

14. EXISTING PRIORITY LISTS

Any and all names on the taxicab owner's licence Priority Lists for the former City of Hamilton and the former City of Stoney Creek, existing at the time of passage and enactment of this Schedule, shall be transferred to the Priority List of this Schedule and in the same order of priority as was in existence at such time. The Priority List is set out in Appendix "4" to this Schedule.

15. CLOSURE OF PRIORITY LIST

- (1) No names shall be added to the Priority List and the Issuer of Licences shall not receive or process any application for entry to the list, subject to the powers of the Issuer of Licences under this Schedule and the powers of Council.
- (2) No transfers or changes of position on the Priority List shall be permitted.

16. STAYING ON PRIORITY LIST

- (1) Persons whose names are on the Priority List shall renew their entry on the list on or before September 30 of each year, by paying the prescribed fee and attending before the Issuer of Licences, to confirm his or her entry on the Priority List as accurate by filing with the Issuer of Licences a sworn declaration to that effect or amend the details of such entry.
- (2) The Issuer of Licences may receive and process all renewals and fees from persons on Priority List, note any changes, and submit an amended list to the Licensing Committee for approval.

- (3) A person who fails to renew their entry on the Priority List, as required by subsection 16(1) herein, on or before September 30 shall attend before the Issuer of Licences to pay the prescribed renewal fee together with a late filing fee in accordance with the Fees Schedule and to confirm his or her entry on the Priority List as accurate by filing with the Issuer of Licences a sworn declaration to that effect or amend the details of such entry, no later than December 31 of that same year, so as to have their entry maintained on the Priority List, failing which the person's name and entry shall be struck from the Priority List.
- (4) Where a person fails to meet the requirements of this section for staying on the Priority List and renewal, the Issuer of Licences shall delete their name from the Priority List.
- (5) Service of any documents on an applicant on the Priority List shall be made to the last recorded address filed by the applicant with the Issuer of Licences.
- (6) Upon a transfer of a licence or a change in ownership of a licence or interest thereof being approved pursuant to section 34 of this Schedule, the names of the transferor and transferee shall be struck off the Priority List.
- (7) The Issuer of Licences shall remove the name of a taxicab owner or a taxicab driver from the Priority List immediately upon his or her death.
- (8) An applicant for a taxicab owner's licence on the Priority List must be directly and actively engaged in the taxicab industry, as defined in subsection 9(16)(a), at all times to have his or her name remain on the Priority List and to remain on the Priority List:
 - (a) the applicant must annually complete and file with the Issuer of Licences, a sworn Declaration confirming that he or she was directly and actively engaged in the Hamilton taxicab industry in the capacity of a licensed taxicab driver, a licensed taxicab owner, a licensed taxicab broker, a taxicab dispatcher, a taxicab telephone service operator or a taxicab business mechanic, for an average of at least 35 hours per week during at least forty (40) weeks of the previous twelve (12) month period;
 - (b) where an applicant has on account of illness, injury or other medical reasons been unable to meet or fulfil the requirements of subsections 16(8)(a), the applicant may complete and file with the Issuer of Licences in lieu thereof, a sworn Declaration so stating together with supporting documentation including a medical certificate from a physician certified to practice in the Province of Ontario, and a sworn declaration that he or she has actually engaged in operating a taxicab on a full time basis in the City as,
 - (i) a licensed taxicab driver,
 - (ii) a licensed taxicab owner,
 - (iii) a licensed taxicab broker,
 - (iv) a taxicab dispatcher,
 - (v) a taxicab telephone service operator, or
 - (vi) a taxicab business mechanic,
 for a period of not less than two (2) consecutive years immediately preceding the onset of the medical disability.
 - (c) Where an applicant elects to file a sworn declaration under subsection 16(8)(b), on or before the date of consideration of the application by the Licensing Committee, the applicant shall provide evidence, to the satisfaction of the Licensing Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice and, if required by the Licensing Committee, shall submit to a medical examination by a medical practitioner selected by the Licensing Committee and the City of Hamilton Human Resources Department.

- (d) Nothing in this subsection 16(8) shall operate to relieve an applicant from any other applicable conditions or requirements of this Schedule.
- (e) Where an applicant fails to meet the requirements of subsections 16(8)(b) and (c) or the requirements of subsections 16(8)(a), as the case may be, his or her name shall be deleted from the Priority List and no licence shall be issued to that applicant.

17. ISSUANCE OF OWNER'S LICENCES FROM PRIORITY LIST

- (1) When Council gives approval for the issuance of new taxicab owner licences, the Issuer of Licences shall advise the Licensing Committee of the numbers of licences to be issued.
- (2) The Issuer of Licences may then send a notice to the person whose name appears first on the Priority List in number felt sufficient to complete the issuance of available taxicab owner's licences, and arrange for hearings before the Licensing Committee to be held on applications. In the event that more than one applicant appears first on the Priority List due to being entered on the Priority List on the same date, subject to any restrictions imposed by the Licensing Committee or Council, the Issuer of Licences shall forward a notice to all such applicants of their eligibility to apply for an owner's licence.
- (3) If an applicant fails to provide the Issuer of Licences with a current and valid mailing address on the original application or any amendments thereto, the Issuer of Licences shall not be required to make any additional effort to locate the applicant or a forwarding address for the applicant. The applicant shall be deemed notified three (3) days after the notice is mailed to the applicant in accordance with this section.
- (4) A person who is entered on the Priority List, after being notified or deemed notified by the Issuer of Licences under subsections 17(2) and (3), shall file a completed application with the Issuer of Licences within fourteen (14) days of the date of the said notice and prior to consideration of the application by the Licensing Committee, together with the following:
 - (a) a sworn declaration, in a form prescribed by and available from the Issuer of Licences, that he or she has actively engaged in operating a taxicab full-time in the City as,
 - (i) a taxicab owner,
 - (ii) a licensed taxicab driver,
 - (iii) a taxicab dispatcher,
 - (iv) a taxicab business mechanic, or
 - (v) a taxicab telephone service operator,
 for a period of not less than two (2) full and consecutive years immediately preceding the date of consideration of the application by the Licensing Committee; and
 - (b) either,
 - (i) a certified true copy by the Canada Customs and Revenue Agency ("Revenue Canada") of income tax returns for two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee; and/or

(ii) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee:

1. a certified copy of record of employment,
2. statements of insurable earnings as issued by the Unemployment Insurance Commission,
3. statements of contributions to the Canada Pension Plan as issued by Revenue Canada,
4. monthly charge statements as issued by a taxicab broker operating in the City of Hamilton.
5. original trip records, or
6. such other or equivalent documentation as the Licensing Committee may accept.

(c) In the case of a taxicab driver, for all purposes of subsection 17(4)(a) and (b), "one full year" shall mean not less than 1400 hours in a full year;

(d) in the case of a taxicab dispatcher or telephone service operator, for the purpose of subsection 17(4)(a) and (b), "one full year" shall mean not less than 1400 hours in a full year;

If the applicant fails to file with the Issuer of Licences the required documentation in the stipulated time, the individual's application shall be voided and no licence issued, and the individual shall be struck from the Priority List

- (5) Upon issuance or denial of a taxi owner's licence to an individual under this Schedule, the Issuer of Licences shall delete the individual's name from the Priority List.
- (6) The Issuer of Licences shall notify an individual that a taxi owner's licence may be issued, and the individual shall within fourteen (14) days of the date of giving notice submit proof of compliance with Sections 6 and 9 of this Schedule failing which the individual's application shall be voided and no licence issued, and the individual shall be struck from the Priority List.
- (7) Upon approval of the applicant by the Licensing Committee, the Issuer of Licences shall issue forthwith the licence to that person whose name appears first on the Priority List, provided the person complies with and meets the criteria and obligations for being licensed under this Schedule.
- (8) No taxicab owner issued a new licence after the enactment of this Schedule shall lease or give up possession, custody or control of his or her licensed taxicab for a period of five (5) years from the date of issuance of his or her licence from the Priority List except to drivers engaged by the taxicab owner on an individual shift basis in accordance with this Schedule and except in the case of a vehicle replacement in accordance with this Schedule.
- (9) No person on the Priority List at the enactment of this Schedule who is issued a new owner's licence shall sell, transfer or give up any control or interest of or in the said owner's licence for a period of five (5) years from the date of issuance of such licence.
- (10) When a taxicab owner's licence is issued to the applicant whose name is on the Priority List, the name of that applicant shall be removed from the Priority List by the Issuer of Licences and all other applicants on the Priority List shall be moved forward one position.

18. EFFECTIVE ISSUE FROM PRIORITY LIST

- (1) When an owner's licence and plate is issued from the Priority List, the applicant who has been approved for the issuance of a licence shall, within thirty (30) days of the date of being notified by the Issuer of Licences of the available taxicab owner's licence, affix the licence plate to a vehicle registered in his or her name that shall be continuously operated as a taxicab and put his or her taxicab into operation in accordance with this Schedule.
- (2) In the event that the applicant fails to meet the thirty (30) day period set out in subsection 18(1), his or her application for the licence shall be voided and he or she shall be ineligible for the licence and the next person on the Priority List shall become eligible for the licence.

19. NO VESTED INTEREST OR BINDING EFFECT

The Priority List shall not oblige the City to issue a licence to anyone on the list, regardless of being at the top or the earliest entry, nor give any such person a vested interest in a taxi owner licence and its use shall be solely for establishing the order of priority of persons seeking a taxi owner's licence.

Notwithstanding the provisions of sections 14, 15, 16, 17 and 18, Council may, delete names of individuals from the Priority List.

20. TIME FOR RENEWAL

- (1) Every licensee shall apply for renewal of a driver's, owner's or taxicab broker's licence before the expiry date of the licence. Where an application for renewal of a driver's, owner's or taxicab broker's licence is not delivered to the Offices of the Issuer of Licences in the manner prescribed by this Schedule prior to the expiry date of the licence, the licence shall be deemed to have been abandoned. Any licensee who makes application for renewal of a licence after one month after the expiry date of the licence shall do so as a new applicant.
- (2) The Issuer of Licences may forward a renewal notice to all licensees, to the last address filed by the licence holder with the Issuer of Licences. The Issuer of Licences shall not be required to make any additional effort to locate a forwarding address for the licensee.
- (3) The failure to receive a notification of renewal shall not relieve a licensee from the responsibility to renew a licence issued under this Schedule within the time frame and in the manner as prescribed in subsection 20(1) of this section.

21. ISSUE AND RENEWAL OF LICENCE

Where an application for a licence is made or where an application for a licence renewal is made in accordance with the provisions of this Schedule and where the applicant or licensee meets all the prerequisites as provided for in sections 8, 9, 9.1 or 10 of this Schedule, as applicable, and By-Law 01-156 and, in the case of a licence renewal, has complied with all of the duties, obligations and responsibilities of a licensee contained in this Schedule and By-Law 01-156, unless previously suspended or revoked, upon payment of the prescribed fee, the Issuer of Licences may issue or renew a licence on an annual basis which shall set out the expiry date and, in the case of a taxicab owner's licence, shall also issue an owner's plate and the applicant shall thereby be licensed. A person who is the owner of a fleet shall take out a separate licence for each vehicle owned by such owner which is to be used as a taxicab in the City.

22. SUSPENSION AND REVOCATION

- (1) In addition to any other penalty which may be imposed pursuant to this Schedule, the Issuer of Licences:
 - (a) may suspend a licence for failure to comply with any of the provisions of this Schedule;
 - (b) may suspend a licence where it is, on reasonable grounds, in the public interest to do so, including but not limited to public health and safety reasons;
 - (c) shall suspend a taxicab owner's licence upon failure to maintain on file proof of insurance in accordance with section 52(4) of this Schedule; and
 - (d) shall suspend a taxicab driver's licence upon failure to comply with sections 5, 50, 51, 56 and 57;
 - (e) shall suspend a taxicab owner's licence upon failure to comply with sections 5, 52, 53, 56 and 57;
 - (f) shall suspend a taxicab broker's licence upon failure to comply with sections 5, 54, 55, 56 and 57;
- (2) A suspension shall be and remain in force until such time as the licensee has satisfied the Issuer of Licences as to his or her compliance with the Schedule and, where applicable, the licensee has satisfied the Issuer of Licences that the public interest no longer requires the suspension of such licence.
- (3) Upon notification of suspension of his or her licence, the licensee shall surrender such licence to the Issuer of Licences.
- (4) Any licence which has been under suspension for a period in excess of 120 days shall be revoked by the Issuer of Licences.
- (5) The decision of the Issuer of Licences may be appealed to the Licensing Committee in accordance with section 24.

23. GROUND FOR REFUSAL TO ISSUE, REFUSAL TO RENEW OR TO REVOKE A LICENCE

An applicant is entitled to be licensed and a licensee is entitled to have his or her licence renewed except where:

- (1) having regard to his or her financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business which is to be licensed or is licensed;
- (2) the past conduct of the applicant or licensee or lessee affords reasonable grounds for the belief that the applicant or licensee or lessee will not carry on the activity for which a licence had been or may be issued or renewed in accordance with this Schedule and the law and with professionalism, integrity and honesty;
- (3) the issuance, renewal or continuance of the licence would be contrary to the public interest;
- (4) the applicant fails to comply with section 8, 9, 9.1 or 10 of this Schedule, as applicable;
- (5) the licensee is a driver and a proven customer complaint has been received relating to the driver's knowledge of the geography of the City and the Issuer of Licences requires the licensee to attempt and successfully complete a written test prior to having his or her licence renewed and the licensee does not obtain a mark of at least seventy-five percent (75%);

- (6) the applicant or licensee is, has been during the term of the licence or will be, by act or omission, in contravention of this Schedule or By-Law 01-156 or has failed to comply with his or her duties, obligations and responsibilities contained in this Schedule or By-Law 01-156;
- (7) the applicant or licensee is a corporation; and
 - (a) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the business for which it is to be licensed;
 - (b) the past conduct of the officers or directors of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed or continue to be licensed in accordance with law; or,
 - (c) the issuance, renewal or continuance of the licence would be contrary to the public interest;
- (8) the applicant or licensee cannot provide proof of public liability and property damage insurance in the form and amount prescribed by this Schedule; and/or
- (9) the applicant has misrepresented or omitted to a representative of the Issuer of Licences or to the Licensing Committee a material fact in his or her application for the licence being applied for or for a prior licence.

24. HEARINGS BEFORE THE COMMITTEE

- (1) Where an applicant or licensee is not entitled to be licensed or to have his or her licence renewed for any of the grounds set out in sections 23, the Issuer of Licences shall recommend to the Licensing Committee that the Committee suspend the licence or, that Committee issue a licence on terms and conditions or that the Committee recommend to Council that the licence not be issued or renewed or that it be revoked.
- (2) Where the Issuer of Licences suspends, revokes or denies an applicant a licence or renewal thereof, written notice advising the applicant or licensee of such suspension, revocation or denial shall be made by the Issuer of Licences to the applicant.
- (3) Where the Committee receives a recommendation to refuse to issue or refuse to renew a licence or to suspend or revoke a licence, written notice advising the applicant of the recommendation being made by the Issuer of Licences to the Committee with respect to the licence shall be given to the applicant or licensee by the Issuer of Licences.
- (4) The written notice to be given under subsections (2) and (3) shall:
 - (a) set out the grounds for the recommendation, suspension, revocation or denial;
 - (b) give reasonable particulars of the grounds for the recommendation, suspension, revocation or denial;
 - (c) be signed by the Issuer of Licences; and
 - (d) inform the applicant that he or she is entitled to a hearing before the Committee if he or she delivers within seven (7) days after the date of service of the written notice, a written request for a hearing before the Committee together with the non-refundable fee set out in the Fees Schedule.

25. HEARING FEE & NOTICE

On receipt of a written request for a hearing from an applicant together with the non-refundable fee set out in the Fees Schedule, as amended from time to time, the City's Clerk shall convene a meeting of the Committee for a purpose of hearing over the matter and shall give the applicant reasonable written notice thereof.

26. SERVICE OF WRITTEN NOTICE

- (1) Subject to any specific notice provisions to the contrary contained in this Schedule, any written notice referred to in this Schedule, to be provided by the Issuer of Licences, an Officer, the Licensing Committee, the Council, the City or a Clerk thereof, is sufficiently served if delivered personally or sent by regular mail addressed to the person to whom service is required to be made according to the Issuer of Licences records at the last address filed by such person with the Issuer of Licences.
- (2) When service is made by regular mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he or she did not, acting in good faith, through accident, illness or other cause beyond his or her control, receive the written notice until a later date.

27. THE COMMITTEE HEARING

- (1) An applicant is entitled to a hearing before the Committee where the Issuer of Licences has suspended, revoked or denied his or her licence or a renewal thereof or the Issuer has submitted to the Committee a recommendation to that effect, if the applicant delivers within seven (7) days after the date of service of the written notice set out in subsection 24(4), a written request for a hearing before the Committee together with the non-refundable fee set out in the Fees Schedule.
- (2) When the applicant who has been given written notice of the hearing pursuant to sections 25 and 26 does not attend at the appointed time and place, the Committee may proceed with the hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceedings.
- (3) Where an applicant elects to file a sworn declaration under subsection 9(16)(b), 9(17)(b) or 9(18)(b) or on or before the date of consideration of the application by the Licensing Committee, the applicant shall provide evidence, to the satisfaction of the Licensing Committee, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice and, if required by the Licensing Committee, shall submit to a medical examination by a medical practitioner selected by the Licensing Committee and the City of Hamilton Human Resources Department.
- (4) At the conclusion of a hearing, the Committee may:
 - (a) confirm, modify, quash or otherwise vary any action taken or recommendation made by the Issuer of Licences;
 - (b) refuse to issue or refuse to renew or revoke any licence; and
 - (c) issue a licence and attach any condition as deemed necessary.
- (5) At the conclusion of a hearing, the Committee shall, as soon as practicable, submit a written report on the hearing to Council and the report shall:
 - (a) summarize the evidence and the arguments presented by the parties to the hearing;

- (b) set out the findings of fact and record any actions taken or decisions made by the Committee; and
- (c) set out all the actions or recommendations taken or made by the Committee and the reasons for such actions or recommendations.

28. COUNCIL AFTER THE HEARING

The Issuer of Licences shall submit to the Council, as soon as practicable after the conclusion of a Committee hearing, the Committee's hearing report and the Council may:

- (1) confirm, modify, quash or otherwise vary any action taken or recommendation made by the Committee;
- (2) refuse to issue or refuse to renew or revoke any licence;
- (3) issue a licence and attach any condition as deemed necessary; and
- (4) do any act or make any decision that it might have done had it conducted the hearing itself and upon reaching a decision the applicant or licensee shall not be entitled to a further hearing on the matter before Council.

29. COMMITTEE'S POWER TO RECOMMEND TO COUNCIL LICENCE REVOCATION OR REFUSAL

The Committee may recommend that Council refuse to issue, refuse to renew or revoke a licence where:

- (1) the applicant or licensee has failed to comply with the prerequisites contained within sections 8, 9, 9.1 or 10 of this Schedule, as applicable, or any of the duties, responsibilities, obligations or prohibitions of an applicant or licensee contained in this Schedule or By-Law 01-156 or would be disentitled to a licence for any of the reasons set out under section 23 of this Schedule.
- (2) the applicant or licensee is a taxicab owner and has failed to continuously operate the vehicle for which a taxicab owner's plate has been issued unless the taxicab owner can show to the satisfaction of the Committee just cause for such failure.
- (3) the licensee is a taxicab broker and has failed to carry on or engage in the taxicab brokerage business unless the taxicab broker can show cause to the satisfaction of the Committee just cause for such failure.
- (4) the licensee has failed to comply with any term or condition attached to the licence issued or renewed under this Schedule.

30. COMMITTEE'S POWER TO SUSPEND A LICENCE

Committee may suspend a licence where:

- (1) the licensee would be disentitled to a licence for any of the reasons set out under section 23 of this Schedule;
- (2) the licensee has failed to comply with any of the duties, responsibilities, obligations or prohibitions of contained in this Schedule or By-Law 01-156;

- (3) the licensee is an owner and has failed to continuously operate the vehicle for which the taxicab owner's plate has been issued unless the owner can show to the satisfaction of the Committee just cause for the failure;
- (4) the licensee is a taxicab broker and has failed to carry on or engage in the taxicab brokerage business unless the taxicab broker can show to the satisfaction of the Committee just cause for such failure; or
- (5) the licensee has failed to comply with any term or condition attached to the licence issued or renewed under this Schedule.

31. FEES NON-REFUNDABLE

Unless otherwise provided in this Schedule, any fee required to be paid pursuant to the Fees Schedule shall not be refunded.

32. RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION

- (1) When a licence has been revoked or suspended, the holder of the licence shall return the licence and, if applicable, owner's plate to the Issuer of Licences within twenty-four (24) hours of service of written notice of the decision of Committee or Council and the Issuer of Licences or Officer may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking or removing the said licence and owner's plate.
- (2) When a person has had his or her licence revoked or suspended under this Schedule, he or she shall not refuse to deliver up or in any way obstruct or prevent the Issuer of Licences or Officer from obtaining the licence and the owner's plate in accordance with subsection (1) of this section.

33. DESTRUCTION or LOSS OF OWNER'S PLATE or PRESCRIBED CARDS

When an owner's plate, the Tariff card, the Taxicab Passengers' Bill of Rights card, the Taxicab Driver's Bill of Rights card, the driver's photo identification or the licence is defaced, destroyed or lost, the licensee shall, within seventy-two (72) hours, apply to the Issuer of Licences for a replacement and shall pay the appropriate fee for same, and the Issuer of Licences may issue a replacement.

34. TRANSFER OF LICENCE HOLDER

- (1) For the purposes of this section, "transfer" shall include any transfer, sale or other form of disposition of an interest in a taxicab owner's licence including but not limited to the transfer of a partnership interest in a partnership or the controlling interest of a corporation, which holds a taxicab owner's licence, or an interest of a sole owner of a taxicab owner's licence.
- (2) The licence issued to a taxicab driver or taxicab broker under this Schedule is not transferable.
- (3) The licence issued to a taxicab owner under this Schedule is not transferable except as otherwise provided for in this Schedule and only upon the approval of the Issuer of Licences.
- (4) The name of the holder of a taxicab owner's licence shall not be changed or transferred unless and until:

- (a) the applicant for a transfer of a taxicab owner's licence or name change has filed with the Issuer of Licences:
 - (i) a complete application for transfer of the holder of a taxicab owner's licence or name change in a form prescribed by and available from the Issuer of Licences;
 - (ii) proof that the proposed new holder of the taxicab owner's licence has complied with the prerequisites of this Schedule for obtaining a taxicab owner's licence;
 - (iii) a duly executed copy of a written agreement between the holder of the owner licence and the proposed new holder of the taxicab owner's licence containing all details of their dealings concerning the taxicab owner's licence and, where applicable, the taxicab vehicle, equipment and taximeter, and any other thing included in the agreement pursuant to which the current holder of the taxicab owner's licence agrees to have the proposed new holder of the taxicab owner's licence replace him or her as the holder of such licence; and
 - (iv) two (2) sworn affidavits, one made by the current holder of the taxicab owner's licence and the other made by the proposed new holder of the taxicab owner's licence setting out the true consideration for the taxicab owner's licence and, where applicable, the taxicab vehicle, equipment and taximeter and shall also include the interest of the current holder and the interest of the proposed new holder in the licence and licence plate, goodwill, if any, and any other thing included in the agreement and any other details as requested by the Issuer of the Licences.
 - (b) the proposed transferor of the taxicab owner's licence or name change pays to the Issuer of Licences the required transfer fee as set out in the Fees Schedule;
- (5) The Issuer of Licences shall give notice to the current holder of the taxicab owner's licence of the approval or refusal of such taxicab owner's application for change or transfer of the holder of such taxicab owner's licence.
 - (6) Where an application for change or transfer of the holder of a taxicab owner's licence has been approved by the Issuer of Licences, a replacement taxicab owner's licence will be issued to the proposed new holder of the taxicab owner's licence.
 - (7) The purchase of the controlling interest of a corporation which holds a taxicab owner's licence by any person shall be deemed a transfer of the taxicab owner's licence and shall meet all the requirements in this Schedule for the transfer of a taxicab owner's licence.
 - (8) Where the transfer of the taxicab owner's licence is not approved by the Issuer of Licences, the current licensed taxicab owner may sell his or her vehicle and its equipment to any person, however, upon such sale, the taxicab owner's licence issued in respect of such vehicle shall be terminated unless the owner replaces such vehicle and all required equipment within thirty (30) days from the effective date of such sale in accordance with sections 47 and 48 of this Schedule.
 - (9) Where an application to transfer a licence is not approved by the Issuer of Licences, any administrative fee incurred shall not be refunded, subject to the authority of Council.
 - (10) Where a corporation is the holder of a taxicab owner's licence or licences, the corporation shall forthwith notify the Issuer of Licences in writing of any and all transfers of existing shares and of the issue of any and all new shares of the capital stock of the corporation.
 - (11) Where, as a result of the transfer of existing shares or by the issue of new shares of a corporation, the Issuer of Licences has reasonable grounds to believe that the corporation may not be entitled

to the continuation of its licence in accordance with this Schedule, the Licensing Committee may determine whether the licence or licences shall be revoked or have conditions placed on it.

- (12) Where, by the transfer of issued shares in, or by the issuance of new shares of, a corporation holding one or more taxicab owner's licences, the controlling interest in such corporation is sold, transferred or acquired, such licence or licences shall be deemed transferred, and the parties thereto shall comply with the requirements in this Schedule in respect to a transfer of the Issuer of Licences may issue a new licence or new licences upon payment of the prescribed fee.
- (13) The Licensing Committee may, in its discretion, refuse to transfer or issue a new licence or licences to a transferee in a transaction under this section if it determines that it is not in the public interest so to do or for any other reason which it is authorized by law to consider upon such application, subject to the approval of Council.
- (14) Nothing in this section shall obligate the City to approve the transfer of the licence.

35. DEATH OF LICENCE HOLDER

- (1) In the event of the death of the holder of a taxicab owner's licence, the heirs, executors, administrators, successors or other legal representatives shall have a period of six (6) months within which to arrange for the change or transfer of the name of the holder of the owner licence in accordance with section 34 of this Schedule, without the licence being revoked, provided that the death of the licensee was reported to the Issuer of Licences within thirty (30) days of its happening.
- (2) If the licence expires within the aforementioned period of six (6) months, the heirs, executors, administrators, successors or assigns or other legal representatives may renew the licence on the condition that it will expire on the termination of the aforementioned period of six (6) months.
- (3) Nothing in this section shall relieve the transferor and transferee from compliance with the provisions of this Schedule including but not limited to those in respect to the transfer of a licence.

36. NOTIFICATION OF CHANGE OF INFORMATION

- (1) When a licensee changes his or her name or address or any information relating to his or her licence, such licensee shall notify the Issuer of Licences within six (6) days of the change of information relating to the licence and shall return the licence immediately to the Issuer of Licences for amendment.
- (2) When the licensee is a corporation and there is any change in the relevant information on the application or licence, including but not limited to names or addresses of Officers or directors, location of the corporate head office or change in the ownership of shares, the licensee shall report the change to the Issuer of Licences within six (6) days of the change and if necessary, the licence shall be returned immediately to the Issuer of Licences for amendment.

37. LEASING

- (1) Except as provided in this section, no taxicab owner shall lease his or her taxicab and taxicab owner's plate.
- (2) A taxicab owner may lease or renew a lease of his or her taxicab and taxicab owner's plate, provided that:

- (a) a leasing agreement proposal has been filed with the Issuer of Licences and approval has been granted together with payment of the fee prescribed by the Issuer of Licences;
- (b) the proposal contains a lease agreement which provides for lease of the licensed taxicab owner's taxicab and taxicab owner's plate;
- (c) where a leasing agreement proposal is filed with the Issuer of Licences, the agreement must be in writing, signed by the parties thereto and specify the following:
 - (i) the date of execution of the leasing agreement and its effective date;
 - (ii) the name and address of the lessee and lessor;
 - (iii) a full description of the vehicle which is the subject of the lease, including the serial number, the make, model, serial number and year of the motor vehicle, the Provincial plate number, and the number of the taxicab owner's licence and plate issued by the Issuer of Licences in respect of such vehicle;
 - (iv) the motor vehicle permit number issued pursuant to the Highway Traffic Act; R.S.O. c.H. 8;
 - (v) the term and expiry or termination date of the leasing agreement;
 - (vi) the terms and conditions under which the lessee has the right to possession and control of the vehicle under specified terms and conditions;
 - (vii) all of the lessor's and lessee's rights to early termination of the leasing agreement;
 - (viii) the consideration and the signatures of the lessee, the lessor and the witnesses thereto;
 - (ix) a statement that the leasing agreement is considered null and void in the event that the owner or lessee either by a written or verbal agreement sub-leases the taxicab or transfers responsibility for the operation of the taxicab to a third party;
 - (x) the Revenue Canada G.S.T. account number of the lessee;
 - (xi) the taxicab owner is responsible for maintenance of and insurance on the vehicle;
 - (xii) under the terms of the lease the taxicab owner provides a motor vehicle equipped, inspected, approved and registered in accordance with this Schedule;
- (d) the lessee is licensed by the City of Hamilton as a taxicab driver and has successfully completed the approved service and skills training program recognized and approved by the Issuer of Licences and required under this Schedule;
- (e) the lease pertains to one vehicle, and expires upon the sale, replacement or other disposition of such vehicle save and except a vehicle replacement made in accordance with this Schedule; and
- (f) the plate issued to such taxicab owner by the Issuer of Licences is affixed to the right side of the rear bumper of the taxicab which is the subject of the lease in a conspicuous position or at a location and in a manner as the Issuer of Licences may require, and remains affixed thereto throughout the term of the lease.
- (g) In the event of a renewal of a leasing agreement, which has been approved by the Issuer of Licences, the taxicab owner shall file with the Issuer of Licences satisfactory evidence of the renewal of same in a form prescribed by the Issuer of Licences.

- (3) Where a proposal for a leasing agreement is filed by a taxicab owner in accordance with the provisions of this Schedule and where the proposal meets all the requirements as provided for in this section, the Issuer of Licences may approve the proposed leasing agreement.
- (4) Where the Issuer of Licences denies or refuses to approve a proposed leasing agreement, written notice, in accordance with section 24(3) of this Schedule, shall be given to the taxicab owner by the Issuer of Licences.
- (5) Where the Issuer of Licences denies or refuses to approve a proposed leasing agreement, the taxicab owner may appeal the decision to the Licensing Committee for consideration within fourteen (14) days of the receipt or deemed receipt of written notice of the denial or refusal set out in subsection 37(4). The Licensing Committee shall cause an investigation to be conducted under section 7(5) of this Schedule and where an investigation reveals that the proposal should not be approved because the lessee or lessor is unlikely to or unable to comply with section 23 of this Schedule or where the proposal does not comply with subsection (2) of this section, the Licensing Committee may deny or refuse to approve the proposed leasing agreement or approve the proposal on specified terms and conditions.
- (6) Where a proposal to lease is not approved by the Licensing Committee, any administrative fees incurred shall not be refunded.
- (7) No lessee shall sub-lease or purport to sub-lease a taxicab vehicle to any person.
- (8) No taxicab owner shall, by a term in a lease or otherwise, acquiesce in or permit any lessee or other person to sub-lease or purport sub-lease his or her taxicab vehicle.
- (9) Any person licensed under this Schedule who enters into or purports to enter into any lease or purported lease of a taxicab, other than in accordance with this section, shall, in addition to any penalty to which he or she may be liable under this Schedule, be required to attend before the Issuer of Licences to show cause why his or her licence should not be suspended or revoked.
- (10) Every owner shall notify the Issuer of Licences in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, within thirty (30) days prior thereto.
- (11) Every taxicab owner and lessor shall:
 - (a) ensure that every driver or lessee and every other person involved in the operation of his or her vehicle complies in full with the requirements of this Schedule;
 - (b) maintain knowledge at all times of the identity of any person having custody of or control over his or her taxicab; and
 - (c) provide full information to the Issuer of Licences or his or her designates, as to any of the facts or records required to be maintained or provided by him or her pursuant to this Schedule, forthwith upon a request therefor by the Issuer of Licences or his or her designate.
- (12) Every taxicab owner shall ensure that every lease filed with the Issuer of Licences sets out fully and accurately all of the facts and terms required by this Schedule and that such information is kept fully up-to-date and accurate.
- (13) No taxicab owner shall enter into or be a party to more than one lease at any one time with respect to any one of his or her taxicabs.

- (14) No person shall enter into or be a party to any agreement or transaction purporting to transfer, assign, lease or otherwise convey rights over a taxicab licence or plate, or give or receive any consideration or remuneration therefor, except as part of a transaction permitted by this Schedule.
- (15) No lessor having an authorized lease agreement respecting a taxicab owner's licence and/or vehicle approved for use as a taxicab shall acquiesce in, allow or permit a lessee to fail to continuously operate the vehicle for which a taxicab owner's licence has been issued.
- (16) The Issuer of Licences shall have the authority to refuse to approve a lease agreement and/or rescind or withdraw approval of a lease agreement that does not meet or continue to meet the requirements of this Schedule or on such other grounds as are consistent with the grounds of refusal set out in section 23 of this Schedule.
- (17) The lessee shall affix the taxicab plate on the vehicle within forty-eight (48) hours of the approval of the lease agreement.
- (18) All lessees must have and maintain a current City of Hamilton taxicab driver's license.
- (19) An administration fee shall be charged to a lessee of a taxicab for the late registration of a lease agreement with the Issuer of Licences in accordance with the Fees Schedule of By-Law 01-156.
- (20) A taxicab owner or lessee shall not undertake more than one lease agreement per owner's plate at any time in the City of Hamilton.
- (21) Effective five years from the date of enactment of this Schedule, a taxicab broker shall not act as an agent or party to any lease agreement.

38. CONTRACT AGREEMENTS

- (1) Subject to Section 155(3) of the Municipal Act, 2001, any owner or driver of a taxicab is exempt from the fare provisions of this Schedule while engaging in the conveyance of physically, emotionally, or mentally disabled persons, provided:
 - (a) the conveyance is made pursuant to a written contract;
 - (b) the written contracts contain the following information:
 - (i) specifies the date and point of commencement and the point of destination of each conveyance;
 - (ii) specifies the charge for each conveyance;
 - (iii) specifies the frequency of the conveyance; and
 - (iv) specifies the nature of the handicap of the person(s) being conveyed.
 - (c) the written contracts or copies thereof are filed with the Issuer of Licences upon request;
 - (d) the conveyance is made from a point in the City to a point outside the City;
 - (e) the taxicab providing the conveyance is licensed by the City or the municipality where the conveyance originates and/or ends.

39. MEDICAL CERTIFICATE

The Issuer of Licences or an Officer may require a licensed driver, at any time, to provide the Issuer of Licences or such Officer with a certificate, prepared by a duly qualified medical practitioner, attesting to whether or not the licensee is physically fit and able to operate a taxicab, if the Issuer of Licences or such Officer considers it in the public interest, upon reasonable grounds.

40. RE-PHOTOGRAPHING OF DRIVERS

If at any time the driver's photograph(s) required on the application for a driver's licence issued under this Schedule does not have a reasonable likeness and/or clear image of the driver because of physical changes to the appearance of the driver, the passage of time, the poor quality of the photography or the deterioration of the photograph or photo identification card, the Issuer of Licences may require that the driver attend at the Issuer of Licences office of the City of Hamilton for another photograph of himself or herself.

41. TAXICAB METER

- (1) Every owner of a taxicab shall have affixed to each taxicab, in respect of which such owner is licensed, a taxicab meter for registering distance travelled, waiting time and computing the fares to be paid, and each taxicab meter shall be:
 - (a) submitted by such person to the Issuer of Licences for testing, inspection and sealing in each year and at such other times as directed by the Issuer of Licences;
 - (b) illuminated between dusk and dawn;
 - (c) located in a position clearly visible to all passengers in the taxicab;
 - (d) adjusted in accordance with the rates prescribed by Appendix '1' (Taxicab Tariff/Fares) of this Schedule;
 - (e) used only when the seal thereon is intact;
 - (f) used for not longer than one year without re-testing and resealing; and
 - (g) kept in good and accurate working condition at all times.

42. TAXICAB METER ROAD TEST

Where an Officer is not available to road test and approve the taxicab meter on a weekend or statutory holiday because the Officer's services have been requested outside of the regular business hours of the Issuer of Licences, the licensed taxicab owner or the licensed taxicab driver who has had the taxicab meter repaired or replaced, may operate the taxicab for a period of up to twenty-four (24) consecutive hours from the date and time of such repair or replacement, provided that licensed taxicab driver has in his or her possession a certificate or receipt for the repair or installation of the taxicab meter, signed by the person who made the repairs or installation and the receipt sets out the date, time and nature of the repairs or installation and has notified the Issuer of Licences immediately of the repair or replacement of the taxicab meter.

43. RIGHT OF INSPECTION OF VEHICLES

- (1) The Issuer of Licences or any Officer may, at any time, enter in and inspect the vehicle(s) of any licensee to insure that the provisions of this Schedule have been complied with.
- (2) Upon an inspection under subsection (1), the Issuer of Licences or an Officer is entitled to request and have produced all relevant licences and permits and to have access to all invoices, vouchers, appointment books and trip sheets or like documents of the person being inspected, provided such documents are relevant for the purposes of the inspection and the person inspecting may remove any of the aforementioned documents for the purpose of examining and reproducing or photocopying, provided a receipt is given to the licensee and the documents are returned to the licensee within forty-eight (48) hours of any such removal.

44. VEHICLE INSPECTION

- (1) Every taxicab owner licensed under this Schedule shall submit his or her vehicle to the Issuer of Licences for mandatory inspections for compliance with this Schedule, at the taxicab owner's expense, in accordance with sections 43, 44 and 45.
- (2) Inspections shall be conducted by Officers and will include and not be limited to:
 - (a) taxicab meter accuracy road tests (where required);
 - (b) visual exterior and interior inspections of the taxicab vehicle;
 - (c) assessment of mechanical fitness and safety; and
 - (d) driver and owner record examinations of documents required to be maintained under this Schedule.
- (3) In addition to the inspections referred to under subsection (1) and (2) herein, each licensed owner shall provide at the time of renewal and at such other times as directed by the Issuer of Licences, at the taxicab owner's expense, either:
 - (a) an Ontario Ministry of Transportation Vehicle Inspection report, showing that the vehicle has been accepted within the past thirty-six (36) days, or;
 - (b) a Safety Standards Certificate issued under the Highway Traffic Act R.S.O. 1990, c.H. 8 within thirty-six (36) days of the inspection date.
- (4) Notwithstanding section 45, where an Officer believes that a previously approved vehicle no longer meets the inspection and vehicle requirements of this Schedule, such Officer or the Issuer of Licences may at any time direct the licensed owner to submit his or her vehicle to an Officer or the Issuer of Licences for the purpose of conducting a re-inspection of the taxicab to ensure compliance with the provisions of this Schedule, at the taxicab owner's expense.
- (5) When the licensed owner meets the requirements of this section and the vehicle requirements in this Schedule, the vehicle shall be deemed to be approved for use as a taxicab.

45. TAXICAB VEHICLE STANDARDS AND INSPECTIONS

- (1) A taxicab vehicle shall not be more than six model years old at any time subject to the following age restrictions and exemptions:
 - (a) a licensed taxicab vehicle previously approved by the Issuer of Licences shall meet all of the vehicle requirements contained in this Schedule;
 - (b) a licensed taxicab vehicle which is a historic or vintage vehicle, in the determination of the Issuer of Licences, may be over six model years of age, at the discretion of the Issuer of Licences, provided that the vehicle meets all of the vehicle requirements contained in this Schedule;
 - (c) taxicab vehicles, approved for use and licensed at the date of enactment of this Schedule, shall be entitled to a three year period, from the date of enactment of this Schedule, within which to comply with the age restrictions of this section (the "phase-in period"). No replacement vehicle shall be entitled to the "phase-in period" in which to comply.
- (2) To operate as a licensed taxicab, the vehicle shall be subject to the following mechanical fitness and safety inspections to be licensed or to have a licence renewed, as follows:
 - (a) taxicab vehicles with a model of one year old or less shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors one time per year or at such greater frequency as may be required by the Issuer of Licences;
 - (b) taxicab vehicles with a model year more than one year old to a maximum of six years old shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors as follows:
 - (i) vehicles three model years to four model years old must be inspected twice per year or at such greater frequency as may be required by the Issuer of Licences; and
 - (ii) vehicles five model years old or more must be inspected three times per year or at such greater frequency as may be required by the Issuer of Licences.

46. SPARE VEHICLES

- (1) The owner of one or more spare vehicles may, with approval of the Issuer of Licences, register a vehicle or vehicles with the Issuer of Licences for use as a spare vehicle.
- (2) Every taxicab owner of a spare vehicle that is used to substitute for a taxicab in respect of which an owner's licence has been issued, shall comply with all of the requirements for a licensed taxicab vehicle under this Schedule.
- (3) The use of a spare taxicab vehicle shall be limited to operate for no more than seven (7) consecutive days.
- (4) The taxicab owner shall notify the Issuer of Licences prior to placing a spare vehicle in use and identify the licensed taxicab vehicle which the spare vehicle is replacing.
- (5) The taxicab owner shall be limited to one (1) spare vehicle per five (5) licensed taxicab vehicles owned by such taxicab owner to a maximum of three (3) spare vehicles.
- (6) The owner of a spare taxicab vehicle(s) must submit such spare taxicab vehicle(s) to the Issuer of Licences for inspection and determination of compliance with the vehicle requirements of this

Schedule prior to the taxicab owner's licence being approved for issuance or renewal and, at any time during the term of a licence, upon the request of the Issuer of Licences.

- (7) Every driver of a spare vehicle that is used to substitute for a taxicab in respect of which an owner's licence has been issued, shall comply with the provisions of this Schedule applicable to a taxicab driver.

47. REPLACEMENT VEHICLE APPROVAL

Every taxicab owner who ceases to use his or her taxicab vehicle of which an owner's licence has been issued and acquires another vehicle to be used as a replacement for the licensed taxicab vehicle shall ensure that such replacement vehicle complies with all of the requirements for a licensed taxicab vehicle under this Schedule. No replacement vehicle shall be approved until the taxicab owner first complies with the taxicab disposal requirements in section 48 for the vehicle which is being replaced.

48. DISPOSAL OF TAXICAB

- (1) When the licensed owner disposes of or otherwise ceases to use as a taxicab a vehicle approved for use under section 44 of this Schedule, he or she shall immediately remove from such vehicle:
- (a) the roof light,
 - (b) the taxicab meter,
 - (c) all identifying decals or markings,
 - (d) fender or side numbers and letters and
 - (e) all other items which make the vehicle appear to the public to be a taxicab.

49. TARIFFS

- (1) The rates for fares to be charged by the owners or drivers of taxicabs for the conveyance of passengers wholly within the City of Hamilton or to any point not more than 5 kilometres beyond its limits, shall be exactly as shown in Appendix "1" (Taxicab Tariff/Fares) attached hereto and forming part of this Schedule, and no higher or lower amount than that contained in the said tariff shall be charged or payable, whether such rates and charges are determined by distance or by time; provided that an owner and a customer may enter into a written contract for services that extends for the period of a year or more on runs between fixed points at an agreed tariff, and that the terms of such contract shall be filed with the Issuer of Licences within ten (10) days from the effective date of the contract and be in accordance with the provisions of this Schedule with the exception of the tariffs set out in Appendix "1".
- (2) Nothing contained in this Schedule shall prevent the driver of a taxicab from making a charge to be negotiated with a passenger prior to the trip, for parcel handling, and such charge shall not be required to be recorded on the trip record, and shall not apply to luggage or baggage accompanying a passenger or passengers transported between any transportation terminal and the pick-up or destination point of the passenger or passengers.
- (3) At the conclusion of a trip, the driver of a taxicab shall call the passenger's attention to the amount of the fare registered on the meter and place the meter in a non-recording position.

- (4) No owner or driver of a taxicab shall be entitled to recover or receive any fare or charge from any person unless the current Tariff card is on display in the holder provided therefor.
- (5) Each taxicab driver shall ensure that when more than one passenger is being transported in a taxicab, and said passengers have different destinations, the taximeter is re-flagged after each destination. The individual or individuals shall then be responsible for the fee registered on the taximeter at the point of their particular destination.
- (6) When a passenger first enters a taxicab, the taximeter shall be immediately placed in operation and shall remain so placed throughout the trip or until such trip extends to a point 5 kilometres beyond the limits of the City of Hamilton. The shortest and quickest possible route shall be taken to the destination if within the said limit of 5 kilometres beyond the limits of the city, unless the passenger designates another route. If a trip extends beyond such 5 kilometre limit hereinbefore referred to, the driver and the passenger may agree before the start of the trip to a flat rate, but the taximeter must remain in a recording position at all times within such limit.

50. DUTIES OF A TAXICAB DRIVER

No licensed taxicab driver shall fail to:

- (1) ensure that the Tariff card, Taxicab Passenger's Bill of Rights, Taxicab Driver's Bill of Rights and taxicab driver's photo identification is in place and maintained in place in the holder required to be provided in the taxicab pursuant to this Schedule which such driver is operating;
- (2) when operating a taxicab, be neat and clean in personal appearance and personal hygiene;
- (3) when operating a taxicab, be civil and behave courteously;
- (4) turn off any radio, tape player or any other sound producing mechanical device in his or her taxicab and turn down the volume on any two-way radio or cell phone in his or her possession or control, used for receiving or confirming calls for his or her taxicab services, upon being requested to do so by any passenger, and having done so, shall leave such devices in the off or turned down position, as the case may be, until termination of the trip with that passenger;
- (5) maintain the interior and exterior of the taxicab within his or her control in a clean and tidy condition;
- (6) keep in his or her taxicab a current street guide or map of the City and surrounding area;
- (7) when operating a taxicab, punctually keep all his or her appointments and engagements, and no licensed taxicab driver shall make any appointment if a previous engagement would prevent such driver from fulfilling it;
- (8) except when the driver has a previous order or engagement when operating a taxicab, serve the first person who may lawfully require the service of his or her taxicab at any place within the municipality and at any time during his or her work shift, whether day or night, except when the person:
 - (a) is unruly or disorderly; or
 - (b) refuses to give his or her destination; or
 - (c) is in possession of an animal other than a seeing-eye dog; or
 - (d) is eating or drinking any food or beverage and refuses to dispose of same prior to entry into the taxicab vehicle; or
 - (e) has not paid a previous fare or cancellation fee; or
 - (f) is, in the reasonable belief of the driver, unable or unwilling to pay the fare and has been unable or unwilling to satisfy the driver that he or she has the funds to pay the fare; or
 - (g) is a grossly unclean person; or

- (h) in the reasonable belief of the taxicab driver, poses a threat to his or her personal safety; or
 - (i) is smoking and refuses to extinguish the cigarette, cigar or pipe or other smoking product and/or instrument prior to entry into the taxicab vehicle
- (9) when operating a taxicab, upon the request of any passenger or whenever there is a dispute over the fare, provide a complete receipt for the fare or charge made and paid, indicating thereon:
 - (a) the place of pick up and discharge of such passenger;
 - (b) the taxicab driver's name;
 - (c) the number of his or her taxicab driver licence;
 - (d) the identifying number on the taxicab vehicle;
 - (e) the number of the taxicab owner's licence for the vehicle;
 - (f) the Provincial Motor Vehicle Permit Number for the taxicab; and
 - (g) that it is a "Taxicab" receipt;
- (10) when operating a taxicab, take due care of all property delivered or entrusted to him or her and accepted by him or her for conveyance or safekeeping, and immediately upon termination of any hiring or engagement, search the interior of his or her vehicle for any property lost or left therein and forthwith deliver to the person owning the same all money or property left in his or her taxicab; or if the owner of the money or property cannot be at once found, deliver all of the said money and property to the nearest City of Hamilton Police and report all information pertaining thereto in his or her knowledge, possession and belief;
- (11) at the conclusion of a trip, call the passenger's attention to the amount of the fare registered on the meter and place the meter in a non-recording position;
- (12) ensure that when more than one passenger is being transported in a taxicab, and said passengers have different destinations, the taximeter is re-flagged after each destination. The individual or individuals shall then be responsible for the fee registered on the taximeter at the point of their particular destination.
- (13) take the shortest in distance and most practical route to the destination provided by the passenger, unless the passenger directs the taxicab driver to take another route;
- (14) while operating a taxicab, keep and maintain at all times in such taxicab sufficient bills and coins such that change may be provided to passengers of such taxicab;
- (15) be permitted to engage the taxicab meter before the passenger enters the vehicle, only after the taxicab driver has notified the passenger of his or her arrival and has waited at least five (5) minutes after the taxicab driver has notified the passenger of his or her arrival;
- (16) engage the taxicab meter at the commencement of the trip and keep it engaged throughout the trip, unless otherwise exempted under this Schedule;
- (17) when operating a taxicab, keep a daily trip sheet, in the form attached to Appendix "2", containing the following information:
 - (a) the name, address and taxicab driver's licence number of the driver;
 - (b) the date;
 - (c) the number and date of issue of the taxicab owner's licence issued pursuant to the provisions of this Schedule;
 - (d) the location, date and time of the beginning and end of every trip made trip and the number of passengers carried;
 - (e) the amount of the fare collected for each trip;
 - (f) the meter readings at the start and finish of each working period;
- (18) provide the owner of the vehicle with a copy of the trip sheets daily;

- (19) retain a copy of the daily trip sheet for a least twelve (12) months and make them available for inspection at the request of the Issuer of Licences.
- (20) make his or her trip record and all information as to passengers carried available to any Officer and to the Issuer of Licences when requested to do so;
- (21) notify the Issuer of Licences in writing within six (6) days of a change of address and produce his or her licence for that change of address to be entered; and
- (22) each day, before commencing the operation of a taxicab, examine the vehicle for mechanical defects, interior or exterior damage, and a jack and usable spare tire and wheel and shall report forthwith any defects found to the owner of the vehicle.
- (23) each day, upon completion of the operation of a taxicab, return the vehicle to his or her employer and report all defects and all accidents to the owner.
- (24) report forthwith to his or her employer and the Issuer of Licences any accident in which he or she was involved while operating his or her employer's cab;
- (25) at the expiration of his or her work period return the cab to his or her employer and shall not at any time abandon the cab or permit any other person to drive same.
- (26) when operating a taxicab, carry at all times and produce on request of an Officer, the driver's licence issued under this Schedule and his or her Ontario driver's licence;
- (27) when operating a taxicab, carry and display a current Tariff card at all times and produce same on request of an Officer or a passenger;
- (28) when a dispute arises with a passenger about the fare, refer the dispute to Issuer of Licences;
- (29) when operating a taxicab:
 - (a) only enter a taxicab stand by taking his or her position at the end of any line formed by the taxicabs already at the stand;
 - (b) while waiting at a taxicab stand or at any other public place:
 - (i) not obstruct or interfere in any way with the normal use of the taxicab or public place, or interfere with the surrounding traffic patterns;
 - (ii) be sufficiently close to his or her taxicab to have it under observation at all times;
 - (iii) not wash the taxicab; and
 - (iv) not make repairs to his or her taxicab, unless the repairs are immediately necessary.
 - (c) subject to the Taxicab Passengers' Bill of Rights, not pick up any passenger within sixty (60) meters of a taxicab stand when there is one or more taxicabs at the stand:
 - (i) unless an arrangement has been previously made with the passenger to pick him or her up at that location; or,
 - (ii) unless the passenger exhibits a preference for that taxicab, and the chosen taxicab driver notifies the driver of the first taxicab on the taxicab stand;

- (30) provide the medical certificate, as required by the Issuer of Licences, pursuant to section 390 of this Schedule;
- (31) In addition to complying with all other requirements of this Schedule with respect to taxicab drivers, every licensed accessible taxicab driver shall:
 - (a) ensure that all wheelchairs being transported within the taxicab are securely fastened so as to prevent them from moving when the taxicab is in motion;
 - (b) ensure that the accessible taxicab he or she is operating:
 - (i) is equipped with an extra tire, wheel and jack ready for use for that vehicle;
 - (ii) is in compliance with Ontario Regulation 629/02, as amended and Canadian Standards Association's Standard D409-M84; and
 - (iii) has wheelchair tie down that comply with the regulations set out in sub-section (ii) above;
 - (c) ensure that only a person licensed under the provisions of this Schedule as an accessible taxicab driver, and whose licence is endorsed by the Issuer of Licences, is permitted to drive an accessible taxicab under his or her control;
 - (d) keep accurate, daily, records of the number of trips made for disabled passengers and for non-disabled passengers; and
 - (e) give priority to the use of the accessible taxicab by disabled passengers, and then permit its use for non-disabled passengers.

51. **DRIVER PROHIBITIONS**

No licensed driver shall;

- (1) operate a taxicab where the number of passengers carried exceeds the manufacturer's seating capacity rating and no more than the maximum insured capacity for the vehicle.
- (2) operate a taxicab where seat belts are not available for use by each passenger carried;
- (3) operate a taxicab with luggage or any object placed in, hung on or attached to the vehicle in such a manner as will obstruct the drivers view;
- (4) be under the influence of any intoxicant or take, consume or have in his or her possession any alcohol, drugs or intoxicants while in charge of or operating a taxicab nor shall the use thereof by him or her be apparent while he or she is operating or is in charge of such vehicle;
- (5) operate a taxicab for more than 12 consecutive hours during any period of 24 consecutive hours;
- (6) operate a taxicab other than as a taxicab;
- (7) use any fare or Tariff card while operating a taxicab other than the Tariff card issued by the City;
- (8) remove, exchange, lend or otherwise dispose of a Tariff card issued by the City;
- (9) while operating a taxicab take on any additional passengers after the vehicle has departed from any one starting point, except under the following circumstances:
 - (a) when done at the request of a passenger already in the taxicab; or

- (b) in an emergency situation; or
 - (c) an accessible taxicab, when engaged in the conveyance of disabled persons.
- (10) operate a taxicab which does not have an owner's plate affixed thereto;
 - (11) operate a taxicab where the owner of the taxicab is not licensed as an owner under this Schedule;
 - (12) when operating a taxicab permit a passenger to stand while the vehicle is in motion;
 - (13) when operating a taxicab recommend hotels, restaurants or other like facilities unless requested to do so by the passengers;
 - (14) operate a taxicab when the taxicab meter is not in accordance with the then existing current tariff/fare rates set out in this Schedule;
 - (15) operate a taxicab when the taxicab meter does not operate properly;
 - (16) operate a taxicab when the taxicab meter seal has been broken, altered or removed unless authorized under section 42;
 - (17) operate a taxicab without door side numbers and letters and a roof light as required by this Schedule;
 - (18) operate a vehicle which is not approved for use as a taxicab by the Issuer of Licences;
 - (19) operate a taxicab unless such vehicle:
 - (a) is equipped with a spare tire and jack, ready for use for that vehicle;
 - (b) meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation Vehicle Inspection report, or meets the standards for the issue of a Safety Standards Certificate of mechanical fitness;
 - (c) is clean, dry and in good repair as to its interior; and
 - (d) is clean and in good repair as to its exterior, free from exterior body damage and with a well maintained exterior paint finish.
 - (20) recover or receive any fare or charge from any passengers or persons who had demanded his or her services which is greater or less than the fare, tariff or charge authorized by this Schedule save and except for a tip or gratuity, or otherwise as authorized under this Schedule;
 - (21) when operating a taxicab recover or receive any fare or charge from any person to whom he or she has refused to show the Tariff card;
 - (22) when operating a taxicab, make any charge for time lost through defects or inefficiency of the taxicab or the incompetence of the driver;
 - (23) when operating a taxicab, make any charge for the time elapsed due to early arrival of the taxicab in response to a call for the taxicab to arrive at a fixed time;
 - (24) when operating a taxicab, induce any person to engage his or her taxicab by any misleading or deceiving statement or representation to that person about the location or distance of any destination named by that person;
 - (25) knowingly drive about the streets in his or her cab any person for the purpose of soliciting from the cab for acts of prostitution or for the purpose of any illegal act ;
 - (26) solicit any person to take or use his or her taxicab by calling out or shouting. The person wishing to use or engage a taxicab shall be left to choose without interruption or solicitation;

- (27) employ or allow any runner or other person to assist or act in concert with such driver in obtaining any passenger or baggage at any of the public taxicab stands, railway stations or elsewhere in the said City;
- (28) be actively affiliated with more than one licensed taxicab broker at any one time;
- (29) carry any passenger who is under the influence of any intoxicant while his or her taxicab is occupied by a person who is not accompanying the person so under the influence;
- (30) carry any person while on duty or subject to call, other than the person or persons employing his or her services, unless first approved by that person;
- (31) smoke in a taxicab;
- (32) transport liquor, spirits, beer or any other alcoholic beverage except in strict compliance with the Liquor Licence Act, R.S.O. 1990, as amended, and the Alcohol and Gaming Regulation and Public Protection Act;
- (33) when requested by the Issuer of Licences, fail to return or surrender any licence issued under this Schedule;
- (34) overcrowd a public taxicab stand, nor back onto the same nor push or displace any taxicab already in the stand. (A driver who wishes to enter a public taxicab stand with his or her taxicab shall do so by taking his or her position at the end of any line formed by other taxicabs already in the stand and when a driver is either first or second in line in such stand, he or she shall remain in the driver's seat of his or her taxicab ready to be hired);
- (35) while carrying on or engaged in the conveyance of passenger(s) stop, stand or park a taxicab on any highway except as authorized by law;
- (36) take on any additional passenger after the cab has departed with one or more passengers from any starting point except at the request of a passenger already in the cab or with the approval of the Issuer of Licences due to special emergency conditions;

52. OWNER'S DUTIES

No licensed owner shall fail to:

- (1) hold a separate taxicab owner licence for each vehicle used or kept for hire as a taxicab;
- (2) obtain and maintain in good standing a taxicab driver's licence issued in accordance with this Schedule;
- (3) keep at all times in the taxicab of which he or she is the owner, the original, or a photostat copy of the original, of each of the following documents:
 - (a) the motor vehicle registration issued under the Highway Traffic Act and current Ontario Ministry of Transportation passenger Motor Vehicle Permit issued for that licensed vehicle;
 - (b) the current taxicab owner's licence issued in accordance with this Schedule;
 - (c) when operating the taxicab, the current taxicab driver's licence issued under this Schedule; and
 - (d) the certificate of liability insurance for the vehicle, in accordance with this Schedule;

- (4) for each taxicab for which the owner holds a licence, and before use of the taxicab,
 - (a) obtain and maintain a policy of insurance in respect of the taxicab in full force and effect during the entire period of time for which the licence is issued and in full force and effect in an amount not less than \$5,000,000.00, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;
 - (b) provide a special endorsement to the policy of insurance referred to in clause (b), for passenger hazard in an amount not less than \$5,000,000.00, exclusive of interest and costs;
 - (c) cause to be endorsed on the policy of insurance referred to in clause (b), that the City shall be given at least thirty (30) days prior notice of any cancellation, expiration or change in the amount of the insurance or in terms of the policy; and
 - (d) deposit a certified true copy of the policy of insurance and all endorsements with the City;
- (5) obtain, place and maintain therein or thereon, for each vehicle licensed pursuant to this Schedule, the following:
 - (a) a current Tariff card, Taxicab Passengers' Bill of Rights card, Taxicab Driver's Bill of Rights card and driver's photo identification in a holder securely affixed on the upper portion of the rear of the driver's seat of the vehicle in a location clearly visible to the passenger(s) or in a manner approved by the Issuer of Licences;
 - (b) the taxicab owner's plate securely affixed to the left rear trunk, or at a location and in a manner approved by the Issuer of Licences; and
 - (c) the owner's plate number for that taxicab displayed in contrasting colours in letters of at least 15cm affixed on both side doors or at a location and in a manner approved by the Issuer of Licences;
- (6) inform the Issuer of Licences forthwith of any changes in the motor vehicle registration of the licensed vehicle;
- (7) have in his or her vehicle a taxi meter of the type approved and road tested by the Issuer of Licences or Officer and mounted in a position approved by the Issuer of Licences or Officer so that it is clearly visible to the passengers in the front and rear seats of the taxicab;
- (8) have on his or her vehicle an electrically illuminated roof sign which is securely attached to the top of the taxicab in a manner approved by the Issuer of Licences or Officer and wired to the taxicab meter and working in conjunction with the taxicab meter so that it is not illuminated when the meter is engaged and is illuminated when the headlights are on and the meter is in the vacant status;
- (9) ensure that each vehicle for which he or she is licensed is, in its interior, neat, clean, dry and in good repair; and, on its exterior, clean and in good repair, free from exterior body damage and has a well-maintained paint finish;
- (10) repair any mechanical defect in the taxicab, reported to such owner by a licensed driver or directed by the Issuer of Licences or an Officer to be repaired;
- (11) report forthwith to the Issuer of Licences any accident in which his or her taxicab was involved;
- (12) submit each licensed taxicab for mechanical fitness and safety inspection by a qualified and licensed automobile mechanic, approved by the Issuer of Licences, annually, at such other time or times

prescribed by this Schedule and as requested to do so by an Officer or the Issuer of Licences, and submit to the Issuer of Licences a valid Safety Standards Certificate issued in accordance with the Highway Traffic Act of Ontario at the time of the taxicab licence renewal or transfer;

- (13) submit each licensed taxicab for general inspection and approval by the Issuer of Licences or an Officer annually, and at such other time or times when requested to do so by either of them;
- (14) equip each licensed taxicab with an exterior emergency lighting warning system to provide safety for the taxicab driver;
- (15) within the five years of the date of enactment of this Schedule, equip each licensed taxicab with a Global Positioning System, on-board cameras and such other safety alternatives as may be prescribed from time to time by the Issuer of Licences;
- (16) ensure that taxicab drivers in his or her employ retain the daily trip records referred to in this Schedule for a period of time not less than twelve (12) months, that such records shall be open to inspection by any person authorized by the Issuer of Licences and that such records may be removed and retained by the Issuer of Licences for a reasonable time and copied by the Issuer of Licences or any person authorized by the Issuer of Licences;
- (17) retain copies of the daily trip sheet submitted by the licensed driver of the taxicab to the owner for at least twelve (12) months and make them available for inspection, copying and retention at the request of and by the Issuer of Licences or any person authorized by the Issuer of Licences;
- (18) employ or use only the services of taxicab drivers licensed under this Schedule;
- (19) carry on or engage in or otherwise continuously operate or make his or her taxicab available for service within the City during the term of his or her licence;
- (20) notify the Issuer of Licences in writing within six days of a change of address;
- (21) in the case of a corporation or partnership, notify the Issuer of Licences immediately upon a change in ownership of the individual holding shares of the company;
- (22) make application to the Issuer of Licences for requalification under the provisions of this Schedule for a taxicab owner licence should a threshold percentage of twenty percent of the company shares change ownership;
- (23) before acting as a taxicab driver, comply with all the requirements for the issuance of a taxicab driver's licence under this Schedule, except that payment of the fee for issuance of a driver's licence shall not be required;
- (24) require all drivers using or operating the owner's licensed taxicab to comply with the requirements of this Schedule applicable to taxicab drivers;
- (25) in addition to complying with all other requirements of this Schedule with respect to taxicab owners, every licensed accessible taxicab owner shall:
 - (a) keep accurate records of the number of trips made monthly for disabled passengers and for non-disabled passengers;
 - (b) ensure that the accessible taxicab he or she is operating:
 - (i) is equipped with an extra tire, wheel and jack ready for use for that vehicle;
 - (ii) has approved wheelchair tie down;

- (c) in addition to all of the other general taxicab owner responsibilities prescribed by this Schedule, ensure that only a person licensed under the provisions of this Schedule as an accessible taxicab driver, whose licence has been endorsed by the Issuer of Licences, is permitted to drive an accessible taxicab under his or her control;
- (d) ensure that before using, or permitting to be used, any vehicle that is licensed under the provisions of this Schedule as an accessible taxicab, that the said vehicle complies with Ontario Regulation 629/02 of the Highway Traffic Act, as amended, and Canadian Standards Association's Standard D409-M84, and all other pertinent federal and provincial regulations as established from time to time; and
- (e) ensure that priority is given to the use of the accessible taxicab by disabled passengers, and thereafter permit the taxicab to be used for non-disabled passengers.

53. OWNER PROHIBITIONS

No licensed owner shall:

- (1) operate or permit the operation of a vehicle not owned by him or her under the authority of his or her owner's plate and licence;
- (2) employ any person to operate his or her taxicab who does not hold a valid taxicab driver licence issued pursuant to this Schedule;
- (3) fail to continuously operate the vehicle for which a taxicab owner's plate has been issued;
- (4) operate or permit the operation of a vehicle of which he or she is the owner where the vehicle is not approved for use as a taxicab under the provisions of this Schedule.
- (5) operate or permit the operation of a taxicab of which he or she is the owner, without attaching the current taxicab owner's plate for that taxicab in the manner prescribed under the provisions of this Schedule;
- (6) fail to have a vehicle which has been approved by the Issuer of Licences for the owner's plate issued pursuant to this Schedule unless otherwise exempted in this due to repair or replacement of such vehicle;
- (7) fail to affix the taxicab owner's plate to the vehicle approved for use as a taxicab by the Issuer of Licences;
- (8) operate or permit the operation of a taxicab of which he or she is the owner while displaying any owner's plate issued by the licensing authority of any other municipality;
- (9) fail to submit the vehicle for inspection when required to do so by the Issuer of Licences or an Officer under section 43 and 44 of this Schedule;
- (10) permit any driver to operate such owner's taxicab for any period in excess of 12 hours during any period of 24 consecutive hours;
- (11) operate or permit the operation of a taxicab where such vehicle has mechanical defects;
- (12) operate or permit the operation of a taxicab where such vehicle has substantial exterior body damage or rust;

- (13) operate or permit the operation of a taxicab of which the owner is in affiliation with a taxicab broker who is not licensed under this Schedule;
- (14) operate or permit the operation of a taxicab of which he or she is the owner while displaying or bearing any sign, emblem, decal, ornament or advertisement, on or in his or her vehicle except in a form approved by the Issuer of Licences;
- (15) operate or permit the operation of a taxicab, of which he or she is the owner, which displays or bears advertising, unless in accordance with the Advertising Prerequisites contained in subsection 54(15)(a) and such other advertising prerequisites and guidelines as may be established by the Issuer of Licences from time to time;
 - (a) An owner may operate or permit the operation of a taxicab which displays or bears advertising provided that;
 - (i) the content of the advertising shall not be of an obscene, racist, sexist or discriminatory nature;
 - (ii) all advertising, advertising signs and sign holders shall be securely mounted to the taxicab in such a manner as to prevent the sign, holder and any advertising materials exhibited thereon from loosening, separating or coming free during the operation of the taxicab;
 - (iii) no advertising, advertising sign or sign holder on the rooftop or exterior of a taxicab shall, in any way, block, hamper, obstruct or obscure the view of any person of the taxicab licence number, taxicab licence plate, name of the owner of the taxicab and, where applicable, its broker;
 - (iv) no advertising, advertising sign or sign holder shall be placed or located on any window of the taxicab;
 - (v) the number of interior advertisements or advertising signs shall not exceed five (5);
 - (vi) no interior advertisement or advertising sign shall exceed twenty-six centimetres by thirty-one centimetres (26cm x 31cm) in size;
 - (vii) no interior advertising, advertising sign or sign holder shall be placed or located in such a way as to obstruct or obscure the vision of the driver or obstruct or hamper the driver's operation of the taxicab, in any way, or obstruct or obscure the view, from all passenger seats, of the driver's photo identity card, the taxicab meter, the driver's taxicab licence, the tariff/fare card, the Passengers' Bill of Rights card and the Driver's Bill of Rights card;
 - (viii) the number of exterior advertisements or advertising signs shall not exceed one (1);
 - (ix) exterior advertisements or advertising signs shall only be placed or located on the rear end of the taxicab;
 - (x) exterior advertisements or advertising signs shall not exceed sixteen centimetres by ninety-two centimetres (16cm x 92cm) in size;
 - (xi) the number of rooftop mounted signs shall not exceed one (1);
 - (xii) a rooftop mounted sign shall be illuminated;
 - (xiii) a rooftop mounted sign not exceed one hundred and twenty-two centimetres in length, seventy-nine centimetres in width, and forty-six centimetres in height (122cm L x 79cm W x 46cm H); and
 - (b) any exterior advertisement painted on a vehicle or secured on a rooftop advertising sign, not in accordance with the advertising prerequisites contained in subsection 54(15) but previously approved by the Issuer of Licences at the time of the enactment of this Schedule, shall be removed from the taxicab at the earlier of the date upon which the taxicab is repainted, replaced, or the second anniversary of the date of enactment of this Schedule;
- (16) operate or permit the operation of a taxicab of which he or she is the owner unless equipped with a taxicab meter which has been tested, sealed and approved by the Issuer of Licences or Officer unless authorized under section 42;
- (17) operate or permit to operate a taxicab when the taximeter is out of order or defective in any way or the taximeter seal is broken, altered or not intact unless authorized under section 42;

- (18) use or permit to be used any taxicab licence issued to such owner pursuant to this Schedule for any vehicle other than the vehicle for which the licence was issued;
- (19) knowingly drive or permit to be driven about the streets in his or her cab any person for the purpose of soliciting from the cab for acts of prostitution or conducting or soliciting any illegal acts;
- (20) operate, or permit to be operated, a taxicab which was constructed or subsequently modified to permit the loading, transportation and off-loading of those individuals confined to a wheelchair, or similar device used to assist the physically disabled, without transfer, which does not comply with Ontario Regulation 629/02, as amended, and Canadian Standards Association's Standard D409-M84;
- (21) when requested by the Issuer of Licences, fail to return or surrender any licence, owner's plate, or other documentation or identification, issued by the Issuer of Licences pursuant to this Schedule, to the Issuer of Licences;
- (22) when requested by the Issuer of Licences, fail to surrender to the Issuer of Licences any daily trip sheets prescribed and required by this Schedule;
- (23) lease or otherwise lend an owner's licence issued under this Schedule or a vehicle approved for use as a taxicab unless approval by the City has been granted;
- (24) by a written or verbal agreement sub-lease the taxicab or transfer the responsibility for the operation thereof to a third party; and
- (25) enter into any written or oral agreement, directly or indirectly, permitting or acquiescing in the operation of the taxicab for which the licence was issued, by any other person who is not a licensed taxicab driver.

54. TAXICAB BROKER DUTIES

Every licensed taxicab broker shall:

- (1) maintain an office, from which the taxicab brokerage is operated;
- (2) require all taxicab owners who have entered into arrangements with such broker for the provision of taxicab brokerage services to affix to the side doors of the vehicle identification numbers and letters in a form approved by the Issuer of Licences;
- (3) provide to the Issuer of Licences the name of every owner and driver required to be licensed under this Schedule with which he or she has entered into any arrangement for the provision of taxicab brokerage services;
- (4) keep a record of all owners operating taxicabs in association with him or her such record to show the number of taxicabs operated by each owner, including his or her name and address and the number of the licence issued under this Schedule in respect of each;
- (5) notify the Issuer of Licences, in writing, within ten (10) days of any additions or deletions from the list provided under subsection (3) of this section;
- (6) carry on or engage in or otherwise continuously operate the taxicab brokerage business within the City;

- (7) require all owners and drivers of taxicabs operating within the broker's taxi fleet to comply with the requirements of this Schedule;
- (8) maintain an accurate record of all requests for the hire of a taxicab along with the following information for each taxicab dispatched:
 - (i) the number of the taxicab owner licence issued under the provisions of this Schedule;
 - (ii) the date and time of receipt of the order and of the dispatching;
 - (iii) the name and taxicab driver licence number of the driver; and
 - (iv) the address to which such taxicab is dispatched,
 and retain these records for a twelve (12) month period;
- (9) dispatch a taxicab to any person requesting service within the municipality, unless the person requesting service has not paid for a previous trip and these facts are verified by the broker;
- (10) post in a conspicuous location in the business office, viewable by the public, the licence issued under this Schedule;
- (11) at the direction of the Issuer of Licences not dispatch calls to any taxicab, if the licensed owner or licensed driver, in the opinion of the Issuer of Licences, has contravened any section of this Schedule;
- (12) at the request of the Issuer of Licences, provide a list showing the number of taxicabs available for service to the public on any particular day, including the times when it was last available for service on that day and also including the number of dispatched calls serviced by each such taxicab;
- (13) employ or use only the services of an owner or driver licensed under this Schedule; and
- (14) Post and maintain a copy of the Ontario Human Rights Commission's publication entitled "Declaration of Management Policy", on bulletin boards and on other similar locations provided for the regular posting of written notices to drivers or owners of taxicabs operating from the brokerage.

55. TAXICAB BROKER PROHIBITIONS

No licensed taxicab broker shall:

- (1) dispatch a taxicab for the purpose of carrying on or engaging in the conveyance of passengers within the City where the owner or driver of the taxicab does not hold a licence for their respective calling issued under this Schedule;
- (2) accept orders for, or in any way dispatch or direct orders to a taxicab, licensed under this Schedule:
 - (a) when the activity would be illegal under a provincial or federal statute; or
 - (b) where the fare is less than that permitted under this Schedule.
- (3) accept orders for, or in any way dispatch or direct orders to a taxicab where the owner of which is not licensed under this Schedule, for a pick-up location within the boundaries of the City of Hamilton;
- (4) be permitted to have exclusive rights to any taxicab stand in the municipality;

- (5) enter into an agreement for the provision of brokerage services with a taxicab driver or a taxicab owner who is already affiliated with another taxicab broker;
- (6) charge a fare or enter into an agreement to charge a fare which is not in accordance with the approved tariff/fare set out in Appendix "1" to this Schedule;
- (11) when requested by the Issuer of Licences, fail to return or surrender any licence issued under this Schedule; or
- (12) fail to carry on or engage in the taxicab brokerage business for which the taxicab brokerage licence has been issued.

56. PROMOTIONAL SCHEMES

- (1) No taxicab broker, taxicab owner, taxicab lessee or taxicab driver shall participate or acquiesce in any promotional scheme or practice of which the purpose, result or effect is to directly or indirectly subsidize the rates, tariffs or fares prescribed in this Schedule, unless in accordance with this section or with the written consent of the Licensing Committee.
- (2) A taxicab broker may undertake, participate or acquiesce in a promotional scheme provided that all of the following conditions are met:
 - (a) a detailed description including a sample of any voucher or coupon to be used together with a copy of all proposed advertising or promotional material related to the scheme or practice is filed, in advance, with the Issuer of Licenses for approval;
 - (b) the Issuer of Licenses has approved the promotional scheme or practice and any voucher or coupon and advertising or promotional material to be used;
 - (c) no more than one (1) promotional scheme or practice has been participated, acquiesced in or permitted, in the current calendar year, by the taxicab broker or any taxicab owner, lessee or driver in such broker's service, in association with such broker, or in any arrangement to provide taxicab vehicle use or taxicab driving services for or to such broker;
 - (d) all vouchers or coupons and all advertising or promotional material related to the scheme or practice clearly indicate the start date and expiry date for each promotional scheme or practice;
 - (e) no promotional scheme or practice undertaken shall be in effect for a period of more than thirty (30) days or have an expiry date later than thirty (30) days from its effective start date;
 - (f) the taxicab broker does not accept or permit any taxicab owner, taxicab lessee or taxicab driver to accept a voucher or coupon or like instrument related to the promotional scheme or practice beyond its expiry date;
 - (g) the taxicab broker does not accept or permit more than one (1) voucher or coupon or like instrument to be used or credited against a tariff, fee or rate prescribed in this Schedule per trip per vehicle regardless of the number of passengers in a taxicab vehicle;
 - (h) the taxicab broker does not issue or make available a voucher or coupon or like instrument with a value more than One (\$1.00) Dollar in Canadian funds;
 - (i) the promotional scheme or practice is only at the cost of the taxicab broker not directly or indirectly at the cost or expense of a taxicab owner, taxicab lessee or taxicab driver; and
 - (j) the taxicab broker has not violated or contravened any of the Promotional Scheme terms and conditions set out in this section, in the past five (5) years.
- (3) An owner, lessee or driver of a taxicab may participate or acquiesce in a promotional scheme or practice of a taxicab broker that is authorized under this section.
- (4) A broker of a taxicab may only undertake, participate or acquiesce in a promotional scheme or practice in accordance with subsection 56(2) unless the broker obtains the written consent and approval of the Licensing Committee.

- (5) With the exception of subsection 56(3), an owner, lessee, or driver of a taxicab may only undertake, participate or acquiesce in a promotional scheme or practice with the written consent and approval of the Licensing Committee.

57. CUSTOMER SERVICE

- (1) A taxicab driver, owner and broker shall ensure that:
- (a) A Taxicab Passengers' Bill of Rights in the prescribed form, as set out in Appendix "5", for all taxicabs, is displayed on the upper portion of the rear of the driver's seat in a position clearly visible to the passenger(s) to inform Taxicab passengers of their rights;
 - (b) A Taxicab Driver's Bill of Rights in the prescribed form, as set out in Appendix "6", for all taxicabs, is displayed on the upper portion of the rear of the driver's seat in a position clearly visible to the passenger(s) to inform Taxicab passengers of the rights of the Taxicab Driver; and
 - (c) A taxicab Tariff card and Taxicab Driver photo identification card is displayed as prescribed in this Schedule.
- (3) Every broker shall post in a conspicuous place in their place of business, clearly visible to the public, the City customer complaints/compliments hotline telephone number and follow-up and resolution process prescribed by the Issuer of Licences.

58. ADMINISTRATION AND ENFORCEMENT

- (1) This Schedule shall be administered and enforced by the Director of Building & Licensing, Planning & Development with delegation of the enforcement to any Officer.
- (2) A Municipal Enforcement Officer has the authority, if the Officer is in the opinion that the vehicle contravenes the Schedule or public safety is at risk, to:
- (i) remove a taxicab from service;
 - (ii) remove the City of Hamilton taxi plate from the taxicab;
 - (iii) remove the roof sign; and
 - (iv) remove the taxicab meter.

59. PENALTIES

(1) Fine - for contravention

Every person who contravenes any provision of this Schedule, and every director or officer of a corporation who concurs in such contravention by the corporation, is pursuant to section 161 (2) of the Municipal Act, 2001 guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.

(2) Fine - for contravention – corporation

Despite subsection (1) where a corporation is convicted of an offence under the provisions of this Schedule pursuant to section 161 (3) of the Municipal Act S.O. 1994, c.37, s.3(1) is liable to a fine not exceeding \$50,000.00.

60. OBSTRUCT OFFICER

No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer, the Issuer of Licences and/or the Licensing Committee exercising a power or performing a duty under this Schedule or By-Law 01-156 pursuant to section 426 of the Municipal Act, 2001.

61. PROHIBITION ORDER

Pursuant to the provisions of section 442 of the Municipal Act, 2001, when a person has been convicted of an offence under this Schedule, the Ontario Court of Justice (Provincial Division) of the City of Hamilton, or any court of competent jurisdiction thereafter may, in addition to any other penalty or order imposed, make an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation of repetition of the offence.

62. RESTRAINING ORDER

Pursuant to the provisions of section 443 of the Municipal Act, 2001 in addition to any other remedy and to any penalty imposed by the Schedule, any such further contraventions may be restrained by action by the City.

63. STATEMENT OF THE CLERK

For the purposes of prosecution, under this Schedule and pursuant to section 436(4) of the Municipal Act, 2001, a statement as to the licensing or non-licensing of any premise or person signed by the Clerk is, without proof of the office or signature, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein.

64. COURT ORDERS/BARRING OF ENTRY/CLOSING OF PREMISES

The provisions of section 432 of the Municipal Act, 2001 respecting the issuance of court orders, the banning of entry, and the closing of premises shall apply to this Schedule where required.

65. COLLECTION OF FINES

Where any part of a fine for a contravention of this Schedule remains unpaid after the fine becomes due and payable under section 66 of the Provincial Offences Act, R.S.O. 1990, c. P 33, including any extension of time for payment ordered under that section the Issuer of Licences is hereby authorized, pursuant to section 440(1) of the Municipal Act, 2001, to give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.

66. DISTRESS FOR UNPAID FINES

Pursuant to subsection 440(3) of the Municipal Act, 2001, where a fine remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes and, pursuant to subsection 351(1) of the Municipal Act, 2001, the Issuer of Licences or the treasurer of the City may seize the following to recover the taxes and costs of seizure, subject to the exemptions provided for in subsection 351(3) and (4) of the Municipal Act, 2001:

- (1) The personal property belonging to or in the possession of the person fined.
- (2) The interest of the person fined in any personal property including such person's right to the possession of any personal property under a contract for purchase or a contract by which the person fined becomes the owner of the property upon performance of any condition.
- (3) The personal property on the land and any interest therein as described in subsection 67(2) of this Schedule of the owner of the land, even if the owner's name does not appear on the tax roll.
- (4) Any personal property on the land, title to which is claimed under any assignment or transfer made for the purpose of defeating the seizure.
- (5) Subsections 351(5), (7), (8), (9), (10), (13) and (14) of the Municipal Act, 2001 apply with necessary modifications to a seizure for an unpaid licensing fine under this Schedule.

67. LEVY OF FINES UNDER WARRANT

- (1) Despite section 66 of this Schedule, the treasurer or an Officer of the City may seize personal property, pursuant to section 351(2) of the Municipal Act, 2001, after a tax bill has been sent but before the due date if,
 - (a) the treasurer or an Officer has good reason to believe that personal property subject to seizure is about to be removed from the City before its due date;
 - (b) the treasurer or an Officer makes an affidavit to that effect before a Justice of the Peace or the head of Council of the City; and
 - (c) the Justice of the Peace or head of Council of the City issues a warrant authorizing the treasurer or an Officer to levy for the fines and costs in the manner provided by this section.
- (2) Subsections 351(5), (7), (8), (9), (10), (13) and (14) of the Municipal Act, 2001 apply with necessary modifications to a seizure for an unpaid licensing fine under this Schedule.
- (3) No defect, error or omission in the form or substance of the notice required by this Schedule invalidates any subsequent proceedings for the recovery of a fine.

68. PROCEEDS OF FINES

Pursuant to the provisions of section 437 of the Municipal Act, 2001, where a person has been convicted of any offense under this Schedule, every fine imposed for contravention of this Schedule belongs to the City of Hamilton.

69. SEVERABILITY

Notwithstanding that any section or sections of this Schedule, or any part or parts thereof, may be found by any court of law to be invalid or illegal or beyond the power of the Council to enact, such section or

sections or part or parts thereof shall be deemed to be severable, and all other sections of this Schedule, or parts thereof, are separate and independent therefrom and enacted as such.

70. APPENDICES

Appendices "1", "2", "3", "4", and "5" attached hereto form part of this Schedule.

71. REPEAL and AMENDMENTS

- (1) The following By-Laws:

former Town of Flamborough By-Law #90-24-L - taxi and limousine schedule;
former Township of Glanbrook By-Law #476-92;
former Town of Ancaster By-Law #79-66, amended by By-Law #91-02;
former Town of Dundas By-Law #4200-95;
former City of Stoney Creek By-Law #4413-96, amended by By-Laws #4519-97, 5041-99, 5074-00; and
former City of Hamilton By-Law #98-203, Schedule 2

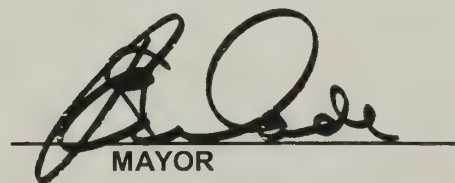
shall be and the same are hereby repealed.

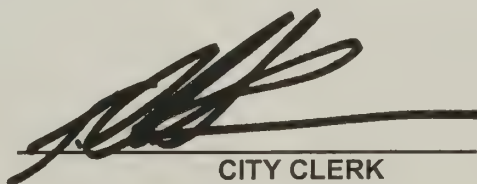
- (2) Schedule 25 of City of Hamilton By-Law No. 01-156 be and the same is hereby amended.

72. FORCE AND EFFECT

This Schedule shall come into force and take effect on the date of its passing and enactment.

ENACTED AND PASSED THIS 28th DAY OF MAY, 2003


MAYOR


CITY CLERK

Schedule 25

Appendix 1

Meter Increase – Taxi Fares

- The meter increase approved by Council is now included in the proposed by-law as follows:

For the first 71.4 metres or part thereof	\$2.50
For each additional 71.4 metres or part thereof	\$0.10 (\$1.40/km)
For waiting time while under engagement for each 14 (fourteen) seconds	\$0.10
Livery or meter cabs by agreement (per hour)	\$32.10

That the above rates include the Federal Goods and Services Taxes; and

That promotional discounted fares be prohibited subject to approval of Issuer of Licenses.

Senior Citizens 10% reduction Calculated on the highest FULL Dollar registered on taxi meter

Taxi Trip Sheet

Date _____ Start Shift Time _____ End Shift Time _____

Drivers Name _____ Taxicab # _____ Broker _____

	From	Starting Odometer	Destination	Arrival Odometer	Charged	Flat Rate	Metered Rate
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
22							
23							
24							
25							
26							
27							
	Equipment Faults: Brakes		Steering	Lights			
	Exhaust System		Radio	Meter			
	Cleanliness & Damage: Interior		Exterior	Check: Oil		Transmission Fluid	
	Driver Comments:						

**Schedule 25
Appendix 3**

Priority List			
NO.	APPL' DATE	FIRST NAME	LAST NAME
1	11-May-73	LOU	PARCO
2	01-Feb-78	MARILYN	MAJOROS
3	13-Feb-78	PAUL	HATHAWAY
4	15-Feb-78	ROMAN	JANKEVICIUS
5	16-Feb-78	CECIL	SNOW
6	07-Mar-78	GEORGE	KEPENYES
7	03-Apr-78	HANS	WIENHOLD
8	17-Apr-78	KHALIL	ZOUROB
9	24-Jul-78	ISHAR SINGH	THIARA
10	30-Mar-79	JOSEPH	KUBINA
11	03-Apr-79	PETER C.	ELDRIDGE
12	09-May-79	GORDON	SIMIGIAN
13	09-May-79	GARY A.	VERE
14	09-May-79	JOHN	DRISCOLL
15	09-May-79	KEN	MUSCHIK
16	11-May-79	JUNE	LUKE
17	15-May-79	DANIEL	GAGNON
18	17-May-79	EDWARD J.	HALLORAN
19	18-May-79	LEOPAULD G.	BEAUCHAMP
20	18-May-79	WALID	CHAFIC
21	23-May-79	HANNIBAL	RIZZUTO
22	06-Jun-79	LEONARD	WILLETTS
23	26-Jun-79	GERALD J.	TREMBLAY
24	05-Jul-79	STAN	KROK
25	13-Jul-79	GORDON	CUMMING
26	15-Aug-79	ADNAN	SHEDHADEH
27	11-Sep-79	SHARON	BELLAMY
28	01-Oct-79	DANIEL L.	BERNIER
29	05-Oct-79	LORRAINE	MOONEY
30	30-Oct-79	WILLIAM J.	PERKINS
31	09-Nov-79	LARRY	ROBERGE
32	14-Nov-79	ROGER	FRANCOEUR
33	06-Dec-79	PETER	OBRATOSKI
34	12-Feb-80	MARC STUART	HATHAWAY
35	14-Feb-80	YOGINDER K.	SHARMA
36	27-Feb-80	ADELIA	BALICE
37	28-Feb-80	COSIMO	BALICE
38	14-Jul-80	ANTHONY PAUL	DICICCIO
39	29-Jul-80	INAM-UR	REHMAN
40	06-Oct-80	GURDIP S.	SOOR

41	05-Dec-80	MOHAMMAD	AHMED
42	22-Dec-80	KALOUST	KALOUSTIAN
43	23-Dec-80	ROBERT	KOCZERZAT
44	24-Dec-80	SOLOMON	MARCELLIN
45	07-Jan-81	RANDALL G.	CRUDEN
46	22-Apr-81	JOHN	WEISS
47	30-Apr-81	SHIRLEY	HATHAWAY
48	06-Aug-81	DANIEL	VELTRI
49	26-Oct-81	STEPHEN	JONES
50	24-Nov-81	WAYNE STEWART	MCGREGOR
51	28-Jan-82	ANTHONY F.	RIZZUTO
52	28-Jan-82	JOHN FRANCIS	MOONEY
53	01-Feb-82	PHILIP	DALES
54	08-Feb-82	DRAGO	BASIC
55	26-Feb-82	JOHN C.	MACDONALD
56	18-Mar-82	THEODORS	TOMA
57	05-Apr-82	PUTRUS	ISAK
58	14-Apr-82	JOGINDAR SINGH	DHALIWAL
59	08-Jun-82	KEITH	JOHNSON
60	10-Jun-82	DONNA	BOURKE
61	24-Jun-82	ANDREA ROCHELLE	ROSART
62	24-Jun-82	WILLIAM	KHAMMO
63	21-Jul-82	THOMAS F.	SEBISTY
64	08-Oct-82	RICHARD	SINDALL
65	18-Oct-82	HARBANS SINGH	KALSI
66	01-Nov-82	MARK	GRANBY
67	08-Nov-82	WILLIAM G.	ROMANS
68	17-Dec-82	ELIZABETH JANE	MILLIGAN
69	23-Dec-82	AHMAD	MALIK
70	02-Feb-83	RONALD	GEER
71	27-Apr-83	BASIL W.	SCIME
72	09-Jun-83	SANDRA	FUKUMOTO
73	04-Jul-83	DANE	HATHAWAY
74	19-Sep-83	BRENDA	ROBERGE
75	12-Jul-84	RUDOLPH A.	CIZEK
76	02-Aug-84	JEFFERSON LEE	JOHNSON
77	03-Oct-84	COLLETTE	ROBERGE
78	10-Oct-84	AL	REICHERT
79	22-Oct-84	ANNE	SCIME
80	14-Dec-84	ZERE	TEWOLDE
81	19-Dec-84	MICHAEL	ROTH
82	28-Dec-84	RONALD W.	MOROZ
83	26-Feb-85	MOHAMMAD NAEEM	KHAN
84	16-Jan-86	LEONARD	ROBERGE
85	31-Jan-86	KARLIS	VALODZE
86	02-Jul-86	MICHAEL	GEER
87	03-Jul-86	DENISE	GEORGIAN
88	05-Aug-86	SHABIR	AHMED
89	05-Sep-86	HABTE-AB	TECHLE-MARIAM

90	23-Oct-86	PETER H.	ROBERTSON
91	15-Dec-86	JEFF	SINDALL
92	29-Dec-86	ANTHONY R.	RIZZUTO
93	29-Dec-86	SHAHID	BUTT
94	30-Dec-86	SHAKIL	SIDDIQUI
95	05-Jan-87	BASHARAT	BUTT
96	09-Jan-87	ERIC	SHEPHERD
97	26-Jan-87	WAYNE	LEPINE
98	19-Feb-87	GORDON A.	GREB
99	29-May-87	KENNETH C.	REICHERT
100	23-Jun-87	TOM	PARCO
101	23-Jun-87	DOROTHY	VAN KLEEF-HUNT
102	23-Jun-87	VALENTINO	DALBELLO
103	23-Jun-87	MARIA	DALBELLO
104	23-Jun-87	HUGO	DIFRANCESCO
105	23-Jun-87	MARY ANN	DIFRANCESCO
106	23-Jun-87	MARY	MARTINAC
107	31-Aug-87	ALISA A.	CLEARY
108	08-Oct-87	BONNIE L.	GEER
109	21-Dec-87	JOSEPH	VARGA
110	05-Jan-88	FREDERICK J.	MULDOON
111	06-Jan-88	MARIO	POSTERARO
112	13-Jan-88	JAGIR	MULTANI
113	29-Jan-88	MOHAMMAD	FAROOQ
114	22-Feb-88	AL	ARTHURS
115	22-Feb-88	RAPHAEL	KOLENKO
116	26-Feb-88	MARTHA	FERGUSON
117	31-Mar-88	BRIAN	COSGROVE
118	12-Apr-88	MEL	MCGUIGAN
119	12-Apr-88	GINA-MARIA	MCGUIGAN
120	12-Apr-88	ANGELA	MCGUIGAN
121	25-Apr-88	AUDREY	JOHNSON
122	04-May-88	PANTELIS	ILIOS
123	11-May-88	FARRUKH	QURESHI
124	24-May-88	OLINDO	DALBELLO
125	28-Jun-88	RODGER	MCEACHERN
126	07-Aug-88	RONALD	AIRTH
127	06-Sep-88	CLAUDIO	BALICE
128	19-Sep-88	GHULAM N.	BUTT
129	27-Sep-88	WILLIAM	ROMANS
130	20-Oct-88	MICHAEL G.	FORD
131	04-Nov-88	ROBERT	MASCHEWSKI
132	11-Jan-89	BRENT J.	DAWSON
133	13-Jan-89	RAY	MAURICE
134	24-Jan-89	JERRY	ZARASKI
135	13-Feb-89	LARRY P.E.	BROADBENT
136	13-Jul-89	JOSEPHINE	RIZZUTO
137	26-Jul-89	PETER	RIHBANY
138	15-Jun-90	WILLIAM	PERKS

139	31-Aug-90	GAIL	RIZZUTO-DOWLING
140	20-Feb-91	RONALD	ROBERGE
141	17-Apr-91	TOKUNBO (DAVE)	OGUNLADE
142	03-Jan-92	JAGTAR SINGH	CHAHAL
143	04-Sep-92	ANGELA	RIZZUTO-ECKLUND
144	25-Apr-95	JOHN CONNELLY	MCGOVERN

Schedule 25

Appendix 4

PASSENGER BILL OF RIGHTS

1. The passenger has the right to:
 - a professional and knowledgeable taxicab driver who is licensed
 - a driver who provides a safe ride
 - a taxicab driver provides a silent ride if desired
 - a taxicab driver who knows the major streets and destinations
 - a taxicab driver who is courteous and provides assistance
 - a taxicab driver who speaks and understands English
 - a taxicab driver who knows the Taxi By-law and traffic laws
2. The passenger has the right to an effective customer complaint process.
3. The passenger has the right to direct a taxicab driver on the route to be taken.
4. A clean, safe, air-conditioned and smoke-free taxicab.
5. A free ride if the meter is not in a 'recording' position.
6. Obtain a receipt that shows the date, time, the taxicab driver's name, identification number and fare charge
5. Taxi Drivers Licences are to be displayed inside the taxi and the passenger has a right to see it.
7. A passenger has thirty days to file a signed complaint. The complaint must be in writing and include your name, address and telephone number, and address the complaint to:

Standards & Licensing
City Hall
71 Main Street West, 3rd Floor
Hamilton, ON L8P 4Y5

If you have any questions you may call 905.546.2350

SCHEDULE 25

APPENDIX 5

Taxicab Driver BILL OF Rights

A Taxicab Driver has the following rights:

- A clean, safe, licensed, air-conditioned and smoke-free taxicab
- Fair and equitable dispatch service
- Access to a service and skills training program
- A taxicab driver can refuse a customer if the customer requests the taxi driver to carry any passengers or baggage, which the taxi driver is incapable of carrying
- Can refuse a customer if they are drunk or disorderly
- Can refuse a customer if the customer is unable to pay for the fare or if the customer owes money from a previous ride
- Can refuse a customer if the customer requests the driver to carry an animal or baggage, which might be detrimental to the repair, cleanliness or sanitary condition of the taxi (with the exception to seeing eye dog)
- Taxi driver's responsibility to check his taxi after a customer has departed to ensure the customer has not left any belongings in the taxi – if the customer has left something behind the driver is to make every reasonable attempt to return the belonging to the owner. If the owner cannot be found belonging is to be turned over to the Taxi Broker's Office.

Bill No. 129

**THE CITY OF HAMILTON
BY-LAW NO. 03-129
TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 1 AND 2 ON PLAN 62R-6351 AND PART 2 ON PLAN 62R-
2596
INTO APPLEBLOSSOM DRIVE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Appleblossom Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

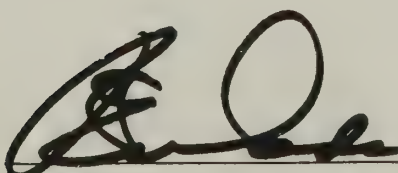
1. That the following land is hereby established and laid out as a public highway to form part of Appleblossom Drive.

Part of the Road Allowance between Lots 16 and 17, Concession 7 in the Geographic Township of Barton, designated as Parts 1, 2 and 2 on Plan 62R-6351 and Plan 62R-2596, as closed by By-Law 10009, Registered as Instrument HL229824.

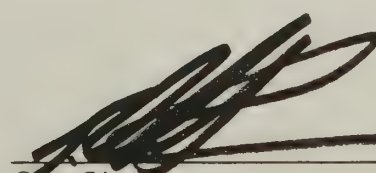
City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28th day of May, 2003



Mayor



City Clerk

Bill No. 130

THE CITY OF HAMILTON

BY-LAW NO. 03-130

**TO INCORPORATE CITY LAND
DESIGNATED AS PART 1 ON PLAN 62R-16399
INTO COMMUNITY AVENUE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001 Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Community Avenue within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

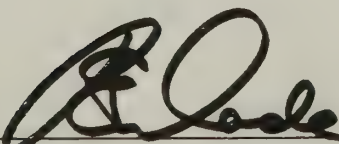
1. That the following land is hereby established and laid out as a public highway to form part of Community Avenue.

Part of Lot 84 on Registered Plan 647A, in the City of Hamilton, designated as Part 1 on Plan 62R-16399.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28TH day of May, 2003



Mayor



City Clerk

Authority: Item 3, Committee of the Whole
Report 03-015 (PW03051)
CM: May 28, 2003

Bill No. 131

THE CITY OF HAMILTON

**BY-LAW NO. 03-131
TO INCORPORATE CITY LAND
DESIGNATED AS PART 2 ON PLAN 62R-11789
INTO DELTA DRIVE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Delta Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

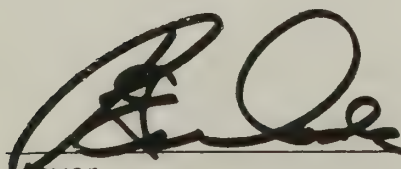
1. That the following land is hereby established and laid out as a public highway to form part of Delta Drive.

Part of Lot 14, Concession 8 in the Geographic Township of Barton, now in the City of Hamilton, designated as Part 2 on Plan 62R-11789.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28TH day of May, 2003



Mayor



City Clerk

Bill No. 132

THE CITY OF HAMILTON

BY-LAW NO. 03-132

**TO INCORPORATE CITY LAND
DESIGNATED AS PART 6 ON PLAN 62R-14109
INTO ELMORE DRIVE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Elmore Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the following land is hereby established and laid out as a public highway to form part of Elmore Drive.

Part of Lot 7, Concession 8 in the Geographic Township of Barton, now in the City of Hamilton, designated as Part 6 on Plan 62R-14109.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28th day of May, 2003

Mayor

City Clerk

Authority: Item 3, Committee of the Whole
Report 03-015 (PW03051)
CM: May 28, 2003

Bill No.133

THE CITY OF HAMILTON

BY-LAW NO. 03-133

**TO INCORPORATE CITY LAND
DESIGNATED AS PART 1 ON PLAN 62R-13325
INTO HUGHSON STREET SOUTH**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Hughson Street South within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

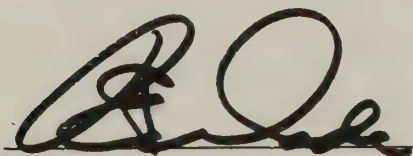
1. That the following land is hereby established and laid out as a public highway to form part of Hughson Street South.

Part of Lot 21, on Registered Plan 1431, in the City of Hamilton designated as Part 1 on Plan 62R-13325.

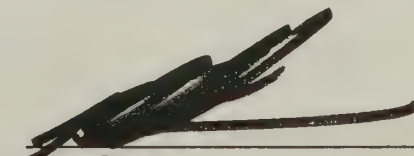
City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28th day of May, 2003



Mayor



City Clerk

Authority: Item 3, Committee of the Whole
Report 03-015 (PW03051)
CM: May 28, 2003

Bill No. 134

THE CITY OF HAMILTON

**BY-LAW NO. 03-134
TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 219 ON PLAN 62M-635
INTO LIVERY LANE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001 Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Livery Lane within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

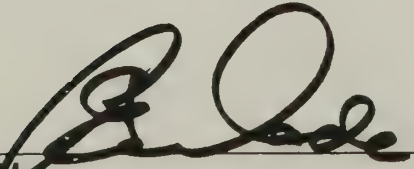
1. That the following land is hereby established and laid out as a public highway to form part of Livery Lane.

Block 219 in the City of Hamilton, on Plan 62M-635.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28th day of May, 2003



Mayor



City Clerk

Authority: Item 3, Committee of the Whole
Report 03-015 (PW03051)
CM: May 28, 2003

Bill No. 135

THE CITY OF HAMILTON

**BY-LAW NO. 03-135
TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 220 ON PLAN 62M-635
INTO LONDONDERRY DRIVE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001 Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Londonderry Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

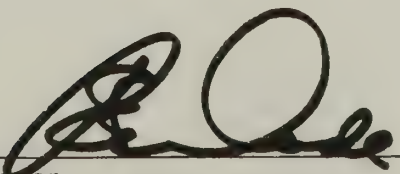
1. That the following land is hereby established and laid out as a public highway to form part of Londonderry Drive.

Block 220 in the City of Hamilton, on Plan 62M-635.

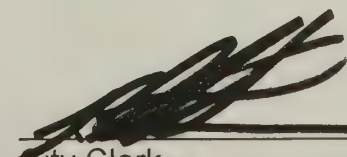
City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28th day of May, 2003



Mayor



City Clerk

Authority: Item 3, Committee of the Whole
Report 03-015 (PW03051)
CM: May 28, 2003

Bill No. 136

THE CITY OF HAMILTON

**BY-LAW NO. 03-136
TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 1 AND 2 ON PLAN 62R-14293
INTO MEADOWLANDS BOULEVARD**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Meadowlands Boulevard within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

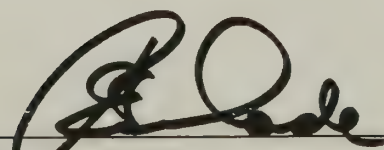
1. That the following land is hereby established and laid out as a public highway to form part of Meadowlands Boulevard.

Part of Block 218 on Plan 62M-635 in the City of Hamilton, designated as Parts 1 and 2 on Plan 62R-14293.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28th day of May, 2003



Mayor



City Clerk

Authority: Item 3, Committee of the Whole
Report 03-015 (PW03051)
CM: May 28, 2003

Bill No. 137

THE CITY OF HAMILTON

BY-LAW NO. 03-137

**TO INCORPORATE CITY LAND
DESIGNATED AS PARCEL 'A' ON REGISTERED PLAN 911
INTO SUN AVENUE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001 Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Sun Avenue within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

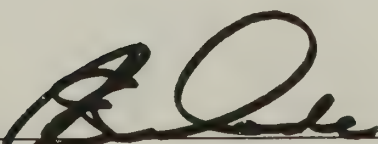
1. That the following land is hereby established and laid out as a public highway to form part of Sun Avenue.

Parcel 'A' on Registered Plan 911 in the City of Hamilton.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28th day of May, 2003



Mayor



City Clerk

Bill No. 138

THE CITY OF HAMILTON

**BY-LAW NO. 03-138
TO INCORPORATE CITY LAND
DESIGNATED AS PART 9 ON PLAN 62R-14607
INTO SWEETMAN DRIVE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Sweetman Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

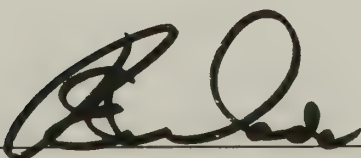
1. That the following land is hereby established and laid out as a public highway to form part of Sweetman Drive.

Part of Block 193, on Registered Plan 62M-735 in the City of Hamilton, designated as Part 9 on Plan 62R-14607.

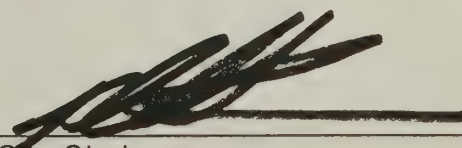
City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28th day of May, 2003



Mayor



City Clerk

Authority: Item 3, Committee of the Whole
Report 03-015 (PW03051)
CM: May 28, 2003

Bill No. 139

THE CITY OF HAMILTON

**BY-LAW NO. 03-139
TO INCORPORATE CITY LAND
DESIGNATED AS PART 2 ON PLAN 62R-16399
INTO TEAL AVENUE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001 Chapter 25, and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Teal Avenue within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

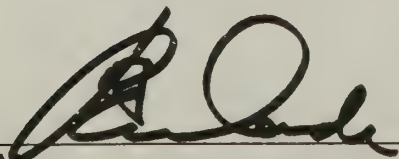
1. That the following land is hereby established and laid out as a public highway to form part of Teal Avenue.

Part of Lot 84 on Registered Plan 647A, in the City of Hamilton, designated as Part 2 on Plan 62R-16399.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 28th day of May, 2003



Mayor



City Clerk

Bill No. 140

CITY OF HAMILTON

BY-LAW NO. 03- 140

**To Amend By-law No. 01-215, as amended,
Being a By-law To Regulate Traffic**

WHEREAS Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25, confers upon the councils of all single tier municipalities the power to pass by-laws respecting highways, including parking and traffic on highways;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic on highways under its jurisdiction;

AND WHEREAS it is necessary to amend By-law No. 01-215, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 11 (No Left Turn on Red) of By-law No. 01-215, as amended, is hereby further amended adding to Section "G" thereof the following items, namely:

"Birch Ave.	Southbound	Wilson St.	Anytime
King St. (South Leg)	Westbound	James St.	Anytime
James St.	Southbound	Main St.	Anytime
James St.	Southbound	Wilson St.	Anytime
John St.	Northbound	King St.	Anytime
Main St.	Eastbound	King St.	Anytime
Main St.	Eastbound	Locke St.	Anytime
Queen St.	Southbound	Main St.	Anytime
Sherman Ave.	Northbound	Cannon St.	Anytime

2. Wilson St. Eastbound Sherman Ave. Anytime"
Schedule 12 (No "U" Turns) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "G" thereof the following items, namely:

"Burlington	Westerly	Kenilworth	Anytime
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Cootes	Easterly and Westerly	East	Anytime
Cootes	Easterly and Westerly	Olympic	Anytime
Cootes	Easterly and Westerly	Thorpe	Anytime
Dundurn	Southerly	Median opening opposite northerly driveway from Super Carnaval	Anytime
Golf Links	Westerly	Neville Drive/ Cloverleaf Drive	Anytime
Main	Westerly	Emerson	4:00 pm - 6:00 pm Monday to Friday
Ottawa	Northerly	McAnulty	Anytime
Ottawa	Northerly	Beach Rd. (northerly connection)	Anytime
Queenston	Easterly	170 feet east of Pottruff	Anytime
York	Easterly	Locke	Anytime
York	Westerly	Locke	Anytime
York	Easterly	Dundurn	Anytime
York	Westerly	Dundurn	Anytime
York	Easterly	Oxford	7:00 am - 9:00 am Monday to Friday"

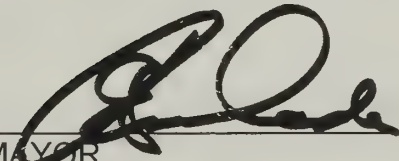
3. Section 56 of By-law 01-215, as amended, is hereby further amended by deleting Subsection (1) therefrom, in its entirety, and inserting in its place the following Subsection, namely:

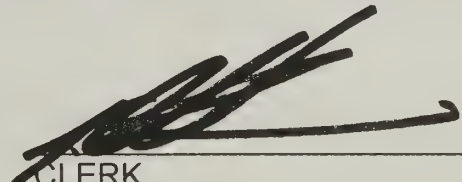
"(1) For the purpose of this section "heavy traffic" means and includes any vehicle or trailer for which a permit fee under the Highway Traffic Act is based upon a weight of vehicle and load in excess of 4500 kilograms,

excepting however buses, fire fighting equipment, public utility vehicles and authorized emergency vehicles; and"

4. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, as amended, including all Schedules thereto, is hereby confirmed unchanged.
5. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 28th of May, 2003



MAYOR

CLERK

Bill No. 141

CITY OF HAMILTON

**BY-LAW NO. 03-141
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

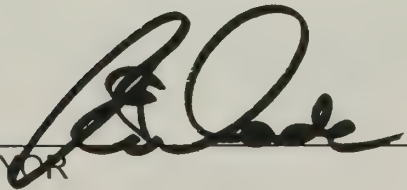
1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "F" thereof the following items, namely:

"Cardiff Lane	Northbound	Springstead Avenue
Cardiff Lane	Southbound	Greenstem Crescent
Cardigan Place	Westbound	Sandbeach Drive
Delrosa Way	Northbound	Watercliff Place
Gracehill Drive	Westbound	Sandbeach Drive
Greenstem Crescent	Westbound	Islandview Way
Islandview Way	Northbound	Springstead Avenue
Oakrun Street	Eastbound	Westhampton Way
Oakrun Street	Westbound	Springstead Avenue
Peeble Valley Avenue	Eastbound	Islandview Way

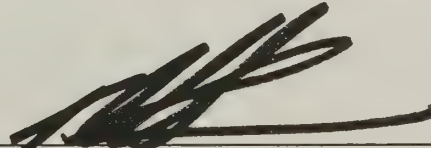
Ridgegate Place	Northbound	Springstead Avenue
Sandbeach Drive	Northbound	Delrosa Way
Sandbeach Drive	Southbound	Kingspoint Circle
Watercliff Place	Westbound	Fifty Road
Westhampton Way	Northbound	Springstead Avenue
Westhampton Way	Southbound	Peeble Valley Avenue"

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 28th day of May, 2003



MAYOR



CLERK

Bill No. 142

CITY OF HAMILTON

BY-LAW NO. 03-142

**To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 13 (Designated Traffic Lanes) of By-law No. 01-215, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

Upper James	225 ft. south of Hester and 185 ft. north of Limeridge	Centre Lane	Anytime	Southerly to Easterly and Northerly to Westerly
Upper James	274 m north of Rymal to 505 m north of Rymal	3 rd lane from east curb	3 rd lane from east curb	Northerly to Westerly and Southerly to Easterly
Upper Paradise	Stone Church and 126 feet north	West	Anytime	Southerly to Westerly"

and by adding to Section "E" thereof the following items namely:

Upper Paradise	60m south of Mohawk to 35m north of Hadeland	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper Paradise	35m south of Hadeland to 35m north of Trevi	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper Paradise	35m south of Trevi to 60m north of Stone Church	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper Paradise	60m south of Stone Church to 65m north of Rymal	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper James	70m south of Hester to 75 m north of Linc westbound off ramp	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper James	60m north of Stone Church to 60 m south of Linc eastbound off ramp	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper James	55m north of Regina to 65m south of Stone Church	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly
Upper James	60m south of Regina to 35m north of Delta	Centre Lane	Anytime	Northerly to Westerly and Southerly to Easterly

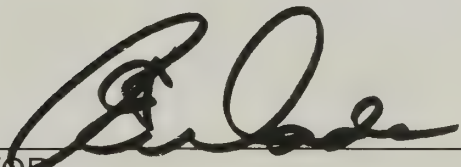
Schedule 18 (Bicycle Lanes) of By-law No. 01-215, as amended, is hereby further amended by adding from Section "E" thereof the following item, namely:

Upper Paradise	160m south of Mohawk to Stone Church	East curb lane	Anytime	Northbound
Upper Paradise	160m south of Mohawk to Stone Church	West curb lane	Anytime	Southbound
Upper Paradise	Trevi to 15m south	3 rd lane from east curb	Anytime	Northerly to westerly

Upper Paradise	Trevi to 15m north	3 rd lane from west curb	Anytime	Southerly to easterly
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2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 28th day of May, 2003



MAYOR



CLERK

THE CITY OF HAMILTON

BY-LAW NO. 03- 143

To Confirm the Proceedings of City Council at its meeting held on May 28, 2003

THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:

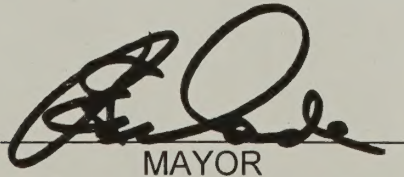
1. The Action of City Council at its meeting held on the 28th day of May, 2003 in respect of each recommendation contained in:

Report 03-015 of the Committee of the Whole,
Report 03-018 of the Hearings Sub-Committee,
Report 03-019 of the Hearings Sub-Committee,

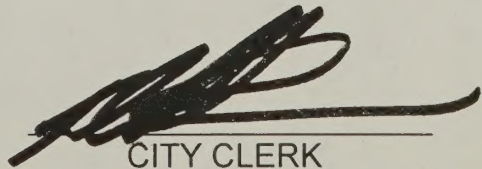
considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 28th day of May, 2003



MAYOR



CITY CLERK

 **ACCO. USA**
WHEELING, ILLINOIS 60090
25971

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IN
USA

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BLACK/NOIR/NEGRO

